

CABINET – 1ST MARCH 2016

LOUGHBOROUGH TOWN CENTRE PEDESTRIANISATION TRIAL – PUBLIC INQUIRY AND THE WAY FORWARD

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

PART A

Purpose of Report

1. The purpose of this report is to update the Cabinet that the Public Inquiry into Experimental Traffic Regulation Orders facilitating the Loughborough Town Centre Pedestrianisation Trial, which was held at County Hall on 12th and 13th January 2016.
2. The report also considers the potential recommendations the Inquiry Inspector may make (at the time of writing the Inspector's recommendation is still awaited) and outline the necessary course of action to ensure that a suitable scheme of traffic management is in place when the experimental Traffic Regulation Orders (ETROs) associated with the trial expires on 30th April 2016. The report therefore seeks approval for the necessary Traffic Regulation Orders to be introduced and for the Director of Environment and Transport to be given delegated authority to do so given that the Inspector's recommendation may not be available by the date of the Cabinet meeting.

Recommendation

3. It is recommended that the Cabinet:
 - a) Notes the representations presented at the Public Inquiry and the Director's response as attached as Appendix A to this report;
 - b) Notes the Council's commitment to a package of remedial measures in support of Loughborough town centre bus services which facilitated the withdrawal of the two objections from Kinchbus and Arriva;
 - c) Authorises the making permanent of those elements of the Experimental Traffic Regulation Orders which are not subject to the Inspector's recommendation (i.e. to which no objections were received);

- d) Authorises the Director of Environment and Transport, in consultation with the County Solicitor, to make the ETRO's permanent, if so recommended by the Inspector;
- e) Authorises the Director of Environment and Transport, following consultation with the Cabinet Lead Member and the County Solicitor, to take any measures necessary to implement an appropriate traffic management scheme for Loughborough Town Centre upon expiry of the existing Experimental Traffic Regulation Order, noting that this will be either:-
 - (i) A scheme similar to the provisions of the existing ETROs, or
 - (ii) Amended arrangements as recommended by the Inspector in his report on the Public Inquiry.

Reasons for Recommendation

4. The Public Inquiry was triggered by three statutory objections, two of which were subsequently withdrawn. The one remaining statutory objection was considered by an Inspector on 12th/13th January, along with 29 additional representations that were made following the County Council's decision to proceed with the making permanent of the pedestrianisation trial and to hold an Inquiry.
5. The pedestrianisation trial has been implemented using three experimental TROs (ETROs), which are due to expire on 30th April 2016. The making permanent of the trial is dependent upon the Inspector's recommendation, which may or may not require an additional Traffic Regulation Order to be processed before the expiry date of the current ETROs.
6. There were no objections to the ETRO relating to the bus lane on Ashby Square/ Derby Square. This bus priority measure is of importance to local bus services and although it was delivered as part of the town centre pedestrianisation scheme, it can be implemented for the benefit of bus users irrespective of the Inspector's decision.
7. The decision as to whether or not to make Permanent TRO's is for the Council having considered the Inspector's recommendation(s). The Planning Inspectorate is aware of the expiry date of the ETROs but at the time of preparing this report officers have not received the Inspector's report. While the Inspector's report is expected before the end of April it is necessary to allow sufficient time to authorise the making of the permanent Orders within the requisite timescale. If the Inspector's report is received in time for the Cabinet meeting a further supplementary report will be submitted. Delegation to the Director will ensure that an appropriate scheme is in place.
8. The tight timescale means that it is necessary to request authority for the Director of Environment and Transport to put in place the appropriate TRO's as necessary, should the Inspector not recommend the existing ETRO's not be made permanent. This would be in consultation with the County Solicitor and the

Cabinet Lead Member. Accordingly, this would ensure that an appropriate scheme of traffic management is in place on the currently pedestrianised roads in Loughborough town centre. Otherwise, the roads included in the pedestrianisation trial will revert back to two-way traffic once the ETRO expires.

Timetable for Decisions (including Scrutiny)

9. The implementation of a permanent pedestrianisation scheme as per the trial, or an alternative traffic management scheme if recommended by the Inspector, needs to be complete before 1st May 2016, once the 18-month trial has expired. It is not possible to extend an ETRO beyond 18 months.
10. The Inspector's recommendation is expected within the required timeframe to allow the pedestrianisation trial to be made permanent or to be modified as the case may be. However, no date has been specified for the release of the Inspector's report.
11. If, upon consideration of the Inspector's recommendation, a modified TRO is required, any modifications would be subject to a statutory 21-day consultation period.
12. The Inspector's recommendation will be reported to the Cabinet, as soon as it is available.

Policy Framework and Previous Decisions

13. On 1st April 2014, the Cabinet resolved to approve a trial of 'no buses' within pedestrianisation of Market Place and Swan Street.
14. On 7th October 2015, the Cabinet approved the making permanent of the Loughborough Town Centre Pedestrianisation Trial and authorised a Public Inquiry to consider any outstanding statutory objections in addition to other evidence for and against the permanent continuation of the trial.
15. The Cabinet also authorised the Director of Environment and Transport to commence discussion with the three statutory objectors in order to seek possible mitigation measures to eliminate the need for a Public Inquiry. This resulted in an agreed package of remedial works, subject to necessary investigation and further surveys, which facilitated the withdrawal of two of the three statutory objections.
16. On 14th March 2000 the Cabinet authorised the Director to exercise the functions of the County Council under the Road Traffic Regulation Act 1984 and including and including the power, where a scheme has the support of the local Member(s) and the appropriate Cabinet Lead Members, to overrule objections. Where support or agreement is not forthcoming, the matter shall be referred for determination by Cabinet.
17. The scheme has the support of the local Members.

Resources Implications

18. Although two of the three statutory objections were withdrawn prior to the Inquiry, the receipt of a further 29 representations, 7 of which were personally addressed at the Inquiry, caused it to extend to a second day.
19. Currently, the cost of the Inquiry is anticipated to be in the region of £20,000, which includes the appointment of a Barrister to assist with the County Council's representation. This, along with some of the remedial works agreed with two of the statutory objectors, will be funded from the Capital Programme. The full extent of the remedial works is subject to further assessment and detailed design and therefore difficult to quantify.
20. In addition, physical works may be required as a result of the Inquiry and the full extent of the works and cost will become apparent upon publication of the Inspector's report. If required the necessary funding will be taken from the Advance Design block of the 2016/17 Environment and Transport Capital Programme.

Comments of the County Solicitor

21. The County Council was represented by a barrister, Mr Richard Langham at the Public Inquiry. Mr Langham pressed strongly that the Inspector recommend that the ETROs be confirmed without any modification.
22. The Inquiry focused on the statutory requirements of the Road Traffic Regulation Act specifically around how the scheme complied with the Council's duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
23. In addition to hearing evidence from the County Council, the Inspector was asked to consider all outstanding objections to the ETRO's in addition to an additional 29 representations that had been submitted. Of these, 15 were in support of the permanent continuation of the pedestrianisation scheme and 14 were against.
24. The County Council's case to the Inspector was that the ETRO's should be confirmed, which would require the making of a Permanent Order so it is in place before 1st May to thus continue in force indefinitely the provisions of the experimental Orders. In this instance, prior consultation would not be required. The right to challenge the Order however in the Courts would apply.
25. The Inspector may recommend the ETRO's be subject to modifications which would require further revised ETRO's. Any such modifications will need to be in place before 1st May 2016, when the current ETRO's expire.
26. The timescales for implementing a modified TRO are very tight and subject to the receipt of the Inspector's report. It is unlikely that there would be sufficient time to draw up, consult upon and resolve any objections to a modified TRO and implement a revised scheme before the expiry of the ETRO. For these reasons,

and coupled with the unknown extent of the modifications and its likely impact on all road users, it is recommended that any modifications are implemented by way of a further experimental TRO.

27. Those elements of the trial which are not subject to the Inspector's recommendation, such as the bus lane on Ashby Square, will now be the subject of a permanent Order.

Circulation under the Local Issues Alert Procedure

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Part B

Scheme Background

29. The pedestrianisation of Loughborough town centre is a key feature of the Loughborough Town Centre Transport Scheme (LTCTS), the delivery of which has been supported by a contribution from the Department for Transport (DfT). The aim of this scheme was to reduce the traffic related problems and help Loughborough town centre retain its competitive economic position within the East Midlands.
30. The main element of the scheme was to construct an Inner Relief Road (IRR) in order to divert traffic from the town centre. The removal of traffic from the heart of the town allowed consideration of a pedestrianised town centre and since 2005, a number of options have been considered which allow limited or no vehicular access within the town centre.
31. In April 2014, the Cabinet decided that the town centre should be fully pedestrianised and resolved that a trial be undertaken, prohibiting all vehicles from the Market Place and part of Swan Street between the hours of 10am and 4pm and allowing access for cycles and service vehicles only outside of these times.
32. Two experimental Traffic Regulation Orders (ETROs) were implemented on 31st October 2014, which enabled the pedestrianisation trial to be undertaken. A third ETRO was introduced at the same time, allowing the introduction of bus priority measures on Ashby Square. The three ETROs are summarised as follows:
 - a) The waiting and loading restrictions around the Market Place area;
 - b) The vehicular access restrictions / prohibition of traffic on Swan Street;
 - c) The new length of bus lane on Ashby Square at its junction with Frederick Street.
33. A plan illustrating the effects of the ETROs is attached at Appendix B.
34. These ETROs expire on 30th April 2016, when they must either be made permanent or be replaced with an alternative Traffic Regulation Order. Failure to do so would result in the traffic arrangement reverting back to as it was prior to the trial, i.e. two-way traffic with 24 access for loading/unloading along what has effectively been designed as a pedestrianised street.
35. The pedestrianisation and bus priority trials were subject to a six-month consultation between 31st October 2014 and 1st May 2015. The outcome of the consultation exercise, which included 48 objections (from 147 responses) was reported to the Cabinet on 7th October 2015.
36. In accordance with The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, three of the objections received during the consultation had to be considered at a Public Inquiry. These objections were from

Kinchbus and Arriva, objecting to the impact of pedestrianisation on the passage of public service vehicles, and from HMS Pharmacy, a local business objecting to the access arrangements within the pedestrianised area, which prohibited access to their off-street loading/unloading facilities from the pedestrianised streets between the hours of 10am and 4pm. On 7th October, Cabinet resolved that the Director could make the necessary arrangements to proceed to a Public Inquiry, with a view to the permanent continuation of the pedestrianisation trial, should the objections not be withdrawn.

37. There were no objections to the bus priority trial.
38. Officers arranged with the Planning Inspectorate for an independent Inspector to chair the Public Inquiry and a date for the Inquiry on 12/13th January was fixed. Attempts were made to find a suitable venue to hold the Inquiry in Loughborough but none were available. On 25th November 2015 the County Council served the statutory notice of the Inquiry by posting to approximately 220 frontages within the scheme area and sent electronically and by post to the 147 respondents to the original six month ETRO consultation. Notices were also erected on site at prominent locations within the town centre. Arising from this notification, a further 27 representations were received for the attention of the Inspector; 15 in support of the scheme and 12 in opposition. A further two representations opposing the scheme were presented verbally at the Inquiry. At the same time as notification of the Inquiry date, the Council circulated the Inspector's pre-Inquiry Directions.
39. During the lead up to the Inquiry, discussions with the three statutory objectors were held in an attempt to mitigate the outstanding objections and avoid the need for an Inquiry to be held. The objections from Arriva and Kinchbus were withdrawn, upon agreement by the County Council to investigate and implement a package of mitigation measures to improve bus services in Loughborough town centre. The objection from HMS Pharmacy, a business on Baxter Gate, was not resolved.
40. The scheme timeline is summarised below:
 - a) 2005/06: Original consultation recommended a pedestrian scheme with a one-way trial for buses in a southbound direction;
 - b) 2012: Department for Transport (DfT) funding awarded;
 - c) March 2013: the Cabinet agree to further round of consultation considering two and one way bus trial in addition to full pedestrianisation;
 - d) April 2014: Results of consultation presented to the Cabinet, which decided upon a full pedestrianisation trial, prohibiting all vehicles from the Market Place between 10am and 4pm and allowing access for cycles and service vehicles only outside these times;
 - e) 31st October 2014: Pedestrianisation (and bus priority) trial implemented using an ETRO;

- f) May 2015: End of ETRO 6 month consultation period;
- g) 7th October 2015 – the Cabinet agree to making permanent the trial and to commence with arrangements for a Public Inquiry;
- h) December 2015 – Publication of AECOM Report (Loughborough Bus Trial Evaluation);
- i) 12th /13th January 2016 – Public Inquiry to hear evidence for/against the permanent continuation of the pedestrianisation trial.

Public Inquiry

- 41. Prior to the start of the Inquiry the Council's Statement of Case was prepared and served on the statutory objectors to comply with the Inspector's pre-Inquiry Directions. Subsequently the Council's evidence in the form of a detailed witness proof and supporting appendices was finalised and submitted to the Inspector and the statutory objectors.
- 42. The Inquiry was held at County Hall, Glenfield and was chaired by Martin Elliott. The Inquiry sat on Tuesday 12th January and on the morning of Wednesday 13th February 2016. The Cabinet lead member was present throughout much of the first day.
- 43. The County Council was represented by a barrister, Mr Richard Langham.

The Council's Evidence

- 44. The Council's evidence focused on the development of the scheme and how it complied with the Council's duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities. A summary of the Council's evidence is attached at Appendix C.
- 45. A copy of the outstanding objections was included in the Council's evidence, in addition to details of the discussions with the two bus operators Kinchbus and Arriva which resulted in the withdrawal of their objections during the lead up to the Inquiry.
- 46. During the trial, an independent consultant (AECOM) was commissioned to undertake an evaluation of the scheme. The evaluation looked at five specific areas; safety, economy, environment, public transport and public realm. A report was published in December 2015, outlining the impact of the scheme on each of these areas. This evaluation was included in the Council's evidence, and a copy of the Executive Summary is attached as Appendix D to this report.
- 47. The Inspector was advised that although there were some dis-benefits (including the relocation of bus stops) associated with the full pedestrianisation of the town centre, improvements to road safety, the environment and amenity, plus signs of

inward investment and economic development in the town centre had been observed and should therefore be taken into account.

48. In closing the Council's case, Mr Langham stated:

“while no solution is completely cost-free, the advantages of full pedestrianisation are so enormous and the disbenefits, by comparison, so modest that option C is by far the best of the available options and the one you should recommend the County Council to pursue”.

Safety

49. There were some 87 road casualties on the A6 The Rushes / Swan Street / Market Place / High Street from 2000 to 2005, between its junctions with what is now the Inner Relief Road (IRR) (between Barrow Street and Bridge Street). Half of these casualties were either pedestrians or cyclists.

50. The IRR (the 'new' A6) opened in March 2014. On 6th July 2014 Swan Street was closed to traffic (initially for the construction of the pedestrianised area), with all through traffic being diverted onto the IRR. During the 17 month period between 6th July 2014 and 7th December 2015, 7 road traffic collisions occurred on the 'old' A6 (The Rushes / Swan Street / Market Place and High Street), resulting in nine casualties.

51. Of the 9 casualties, 4 were pedestrians and 2 were cyclists. Two of these pedestrians and one cyclist were injured in hit and run collisions. Both cyclists were involved in collisions at the High Street / Woodgate junction, one of which also involved a bus. The third pedestrian casualty was a result of a collision with a mobility scooter in an unspecified location on the Market Place.

52. While collisions have still occurred along what was previously the A6, pedestrianisation of the town centre has eliminated all risk of collision between pedestrians and buses on Market Place and part of Swan Street. Likewise, the removal of all other traffic from the pedestrian area between 10am and 4pm and the removal of all through traffic from High Street has significantly reduced the risk of a road traffic collision.

53. Vehicular contraventions have been reported to the Council, with the most commonly cited issue being the number of unauthorised vehicles travelling along High Street and Baxter Gate as an alternative way of joining the IRR or a route to the A60 towards the train station.

54. The Council has agreed to investigate the perceived contravention of the access restrictions on High Street and Baxter Gate as part of the mitigation measures agreed with the two local bus operators. Surveys are due to be carried out at the High Street/Woodgate junction and at the Baxter Gate/Inner Relief Road junction to ascertain the extent of the problem and identify possible remedial works.

55. It should also be noted that post implementation, the traffic signals along the IRR have not been operating to maximum efficiency. This was due to a technical

issue, which is currently being resolved. It is anticipated that the improvements will be finalised by the end of April at the latest, which will see improved traffic flow along the IRR and may encourage motorists to relocate from High Street/ Baxter Gate.

56. Traffic surveys have also indicated a high volume of cyclists travelling through the pedestrianised area between 10am and 4pm, when cycling is prohibited. This was raised at the Inquiry by the Cyclists' Touring Club (CTC), who advised that cyclists are using this route as there is no suitable alternative provision. The CTC also advised the Inspector that the alternative route was via the IRR although cycling provision had been provided on this route, it is sub-standard and disjointed, and that it was only a realistic alternative route for the most experienced cyclists that were prepared to cycle on the carriageway.

Economy.

57. The Loughborough BID (which represents around 600 businesses in the town) presented evidence at the Inquiry indicating that the pedestrianisation trial has afforded the greatest opportunity for the promotion and regeneration of Loughborough town centre and fully supported its introduction on a permanent basis. A copy of the statement presented by Loughborough BID is attached at Appendix E to this report.

58. In its submission, the BID made the following observations in relation to the economy:

(a) "It is difficult to demonstrate any precise correlation between town centre performance and whether or not buses run through a short stretch of the Market Place. The macro-economic forces affecting town centres are powerful and the situation in Loughborough needs to be seen in the context of falling footfall nationally and a strong and continuing trend towards on-line shopping. All of the advice to centres like Loughborough is that we have to offer an experience which is unique and different from that available in out of town centres and shopping malls and which gives people a reason for coming into town. The BID believes that a fully pedestrianised Market Place is an essential prerequisite to allow us to create the town centre experience through the imaginative use of a splendid public space. This would simply not be possible under either options A or B with buses running through the space".

(b) "Having said all that, there is compelling evidence that the performance of Loughborough Town Centre is remarkably strong, particularly when compared to the national average, and that improvements have continued since the completion of the road works and the start of the experimental TRO:

- i. Vacant units: The number of vacant units is at its lowest level since the BID was formed (in 2012). In November 2015 the number of vacant units was 50 or 8.3% compared with a high of over 70 units and a 13% rate. What is also encouraging is that 8 of the current vacant units are being fitted out for occupation.*

- ii. *Car Park Use: Car Park use in the Borough Council's main car parks has been the highest of any of the last 6 years in 8 out of the 12 months following the start of the experiment. Car park use in 2015 was 8.6% higher than in 2014.*
- iii. *Footfall: In Loughborough, footfall in Q1 2015 was -1% compared with the previous year, + 3% in Q2 and +2% in Q3. This compares with a 1.9% fall in UK footfall in 2015. In Christmas week 2015 (21st to 27th December) footfall in Loughborough was + 3.0% compared to 2014, whereas footfall across the UK was - 2.3%".*

59. Despite these figures, when AECOM asked a selection of retailers about the impact of pedestrianisation on the town centre economy, almost half felt that it was quieter than it was a year ago. Conversely, three quarters of the public who were surveyed felt that the town centre was just as busy, or even busier, than it was a year ago.
60. The relocation of bus stops to Lemyngton Street on the eastern edge of the town has undoubtedly increased the level of pedestrian activity along the already pedestrianised Church Gate.
61. The town centre pedestrianisation (and the opening of the Inner Relief Road) has facilitated the development of the former hospital site on Baxter Gate. A new multi-million pound cinema and leisure complex is due to open on this site in spring 2016.
62. The period of the ETROs has been a period when many town centres have not been thriving. From the evidence provided, Loughborough appears to be doing better than average. Footfall is generally up (nationally this is not the case) and vacancies are down.
63. Whilst it cannot yet be said that full pedestrianisation has clearly *caused* overall economic gains, the evidence is encouraging and provides no reason whatever not to continue with full pedestrianisation.

Environment

64. The removal of traffic from the Market Place has reduced the level of noise pollution, particularly during the daytime. This would worsen if buses were reinstated in the Market Place. Furthermore, pollution has been removed from those areas with the greatest concentration of pedestrians walking around.
65. Preliminary readings suggest a large improvement in air quality at the monitoring sites on High Street and Baxter Gate. If buses were allowed southbound through the Market Place, this would involve 29 trips an hour past these sites, with a potentially significant effect on air quality.

Bus Services

66. The relocation of several bus stops onto Lemyngton Street was the main catalyst for objecting to the scheme, with 31 of the 48 original objections to the ETRO citing this as a factor. This stop is used by the 126/127 (Arriva), X27 (Paul Winson) and Skylink Derby (Kinchbus) services only (note that the X27 also stops on Baxter Gate, which is 140m from the centre of the market, compared to 330m for the Lemyngton Street stop).
67. Whilst it is not denied that there is some effect on users of services which used to go through Market Place and now have to use stops in Lemyngton Street, in the overall context, this effect is modest and is nothing like sufficient to outweigh the overwhelming benefits of full pedestrianisation. Furthermore, this stop is conveniently placed for the new cinema / restaurant complex scheduled to open on Baxter Gate in spring 2016.
68. A number of objectors argued that buses should be allowed back through the Market Place and stop on Swan Street or High Street because the alternative route via Lemyngton Street exceeds the 200m recommended walking distance to the market. In response, the Council argued that the majority of people would consider that a bus stop having almost all of the important destinations in a town centre within a 400m radius to be very well located.
69. There are several operators which provide services to Loughborough but only two, Arriva and Kinchbus, objected to full pedestrianisation and their objections were subsequently withdrawn following negotiations and agreement of a package of measures to address their concerns over service reliability.
70. Other claims made before the trial was introduced, such as the severance of cross-town services, have not been realised. And whilst there has been a loss of the Paul Winson service 4 (Shepshed – Loughborough), the introduction of the Arriva 16 in September 2015 now serves part of this route. Furthermore, in response to customer feedback the Arriva 16 has been recently rerouted to serve Ashby Square, which is closer to the Loughborough market area than the route which was originally adopted.
71. Despite pedestrianisation, there continues to be a very good level of access to Loughborough by bus.

Public Realm

72. It was presented to the Inspector that full pedestrianisation scored highly in terms of public realm (publicly owned streets, pathways, right of ways, parks, publicly accessible open spaces and public/civic building and facilities) when compared to the previously considered options of allowing buses in the Market Place, as documented in the AECOM evaluation report.

73. It was also suggested that the score awarded for the public realm should in fact be higher than documented in the evaluation report because a scenario with no vehicles within a pedestrianised area is about as good as it can be.

Representations

74. A total of 29 representations were presented to the Inspector, 27 leading up to the Inquiry and two at the Inquiry. 15 supported the permanent continuation of the scheme, whilst 14 were in opposition.

75. Representations in support of the scheme were received from the Loughborough BID, the Storer and Ashby Road Residents' Group (SARG), the Forest Road and Holywell Area Residents Group (FRHARG), Nicky Morgan MP and a number of local residents. A sample of the comments received in support of the scheme is provided below:

- *“Loughborough is already becoming a more pleasant place to shop and conduct business since buses and cars stopped using the town centre”*
- *“As a pensioner I feel much safer with the removal of through traffic”.*
- *“I've seen many changes but the most recent, the pedestrianisation of the Town Centre has, for me, been the biggest improvement”.*
- *“To be able to walk freely between shopping areas is so much nicer than negotiating traffic”.*
- *“It makes the town 'united’”.*
- *“The pedestrianisation has been a major step forward in the development of the town centre”.*
- *“It has created a safe, clean and low air pollution area which has much improved the shopping experience in Loughborough”.*
- *“To allow buses back into the market place would be a very retrograde step”.*
- *“I am a bus user and find catching the bus on Lemyngton Street no problem at all and while getting to the bus stop I have discovered shops I previously didn't know about”.*

76. A sample of the comments opposing the scheme is provided below:

- *“The buses should come through the town where they are more convenient for bus passengers”.*
- *“The improved bus facilities offer no improvement on what was there before”.*

- *“Pedestrianisation has created much longer bus routes and the relocation of bus stops has severed connectivity between services. Bus users are now using the car as it is more convenient”*
- *“The re-routing of both buses and traffic has resulted in a marked decrease in footfall and trade across the town”*
- *“Lemyngton Street bus stop is too far away, particularly for disabled and elderly passengers”.*

77. A summary of the representations received by the inspector, including those that were heard at the Public Inquiry, and a copy of the Director’s responses is attached as Appendix A to this report.

Representations heard by the Inspector

78. Of the 29 representations, one supporter (Loughborough Business Improvement District (BID)) and 6 objectors were in attendance at the Inquiry. All parties presented their case to the Inspector and were given the opportunity to examine each other’s evidence.

Loughborough BID (supporter)

79. Evidence in support of the scheme was heard from the Loughborough BID which seeks to promote and improve the town centre and to increase footfall and trade to the benefit of businesses and the public. Its views on the local economy are given at paragraphs 57-58 above.

80. In addition to the evidence suggesting an increase in footfall, increased car park usage and reduction in retail vacancy rates (as previously noted), the BID also highlighted the safety and environmental benefits brought about by the pedestrianisation trial. It was also supportive of the new environment which allowed pedestrians to move freely between destinations that were previously segregated by the A6.

Market Trader (Objector)

81. For clarification, it was noted that the views of market trader were of a personal nature and did not reflect the views of the Market Traders Federation.

82. The market trader was generally supportive of full pedestrianisation but objected to the loss of the bus stop and the lack of a replacement facility to serve the weekly market, which has reportedly led to a drop in trade. It was argued that the scheme favoured development and regeneration on the northern side of the Market Place/Swan Street at the expense of the area to the south where the weekly market is held.

83. The Inspector was told that the removal of bus stops from Market Place and their relocation to a point of greater distance from where the market is held has led to a reduction in the number of elderly visitors to the town, many of whom were

regular visitors to the market. It was argued that a new bus route serving the Wards End area should be considered in order to increase footfall at the market.

84. In defence, the Council submitted that existing bus routes were not under consideration as part of the ETRO and that bus operators could review or add services were it was felt that there was sufficient demand.

Cyclists' Touring Club – CTC (*objector*)

85. It was argued that cycling should be permitted at all times through the pedestrian zone, and that this would not be to the detriment of pedestrian mobility. It was also presented to the Inspector that most cyclists choose to go through the pedestrianised area as it is much safer than the alternative route along the Inner Relief Road.

86. The CTC representative argued that cycling infrastructure along the IRR was disconnected and in some places, hazardous.

87. Disabled cyclists were also discussed. With the current situation, disabled cyclists were not able to walk through the pedestrianised area with their cycle/trike between 10am and 4pm, nor were they able to use the alternative facilities on the Inner Relief Road due to the inadequate design.

88. In defence, the Council argued that cycling infrastructure on the IRR was not for the Inspector to determine. However, it was suggested that the Inspector may want to reflect upon this in his final recommendation. Furthermore, it was argued that cyclists would not be contained if allowed into the pedestrianised area and would be free to cycle at will. Due to the level of pedestrian activity in Loughborough town centre, this could generate a high level of conflict. Issues over pedestrian/cyclist rights of way were also noted.

89. The objector also presented evidence on how the scheme had affected local bus routes, and that it had made it difficult to access the railway station. Furthermore, the relocation of a number of bus routes onto Lemyngton Street was too far from the town centre, particularly for elderly and disabled passengers, and the replacement bus stop and facilities were poorly designed.

Campaign for Better Transport (CBT) (*objector*)

90. A case for allowing buses to travel through the pedestrianised area was presented by the Chairman of the CBT, citing Regent Street, Hinckley as a local example where this had been applied successfully.

91. In defence, BID noted that Castle Street in Hinckley was the main shopping street and that buses did not use this road.

92. The CBT argued that full pedestrianisation had resulted in longer, slower, less reliable journeys for bus passengers and that punctuality had been affected, causing frequent delays for passengers.

Resident A (objector)

93. Resident A is a disabled resident of Loughborough. The inspector was told of the difficulties in accessing the town centre by bus due to the relocation of bus stops from the Market Place. The Inspector was also advised that connections had been severed because of the new route options and pressed that buses should be allowed back through the Market Place.
94. It was also presented to the Inspector that the pedestrianised area was no better than the pre-trial situation as the camber of the road made it difficult to get around. It was claimed that the new bus stop facilities were unsuitable for disabled passengers, the shelters offered little protection and bus stop information was not prominent enough for partially sighted passengers.
95. The issue of disabled cyclists was also discussed as before.

Resident B (objector)

96. Resident B lives in Shepshed and frequently travels into Loughborough for business and leisure purposes. The Inspector was informed of the difficulties caused by the increased walking distance to the town centre following the relocation of some bus stops onto Lemyngton Street. Exeter and Newcastle were cited as examples whereby buses were allowed to proceed within a pedestrianised area and it was argued that Loughborough should adopt this system too.

Resident C (objector)

97. Resident C provided a verbal representation at the Inquiry. Resident C is a Leicester resident and argued that the Loughborough bus services were poor, particularly during the evening. It was claimed that the Lemyngton Street bus stop was too far from the town centre for some passengers, in particular the elderly and disabled.
98. Resident C objected to the scheme and said that buses should be allowed through the pedestrianised area, which would improve bus services and connectivity.
99. It was claimed that the scheme encouraged car usage and increased pollution around the town.

The Statutory Objections

100. Three objections received during the 6 month ETRO consultation period fell within Regulation 9(3) of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and therefore had to be considered at a Public Inquiry. Relating to the ETROs, these Regulations apply where the effect of the Order prohibits the passage of a local bus service and the operator has made an objection, and where the effect of the Order is to prohibit loading and

unloading between the hours of 10am and 4pm and where an objection has been made in relation to this.

101. These objections, referred to as 'statutory objections' were from two local bus operators, Kinchbus and Arriva, and from a business located on Baxter Gate, HMS Pharmacy.
102. The two bus operators wished to retain one-way access for buses within the pedestrianised streets and objected on the grounds that full pedestrianisation was affecting service delivery and patronage. There was also a dislike of the Lemington Street bus stop as it was considered to be remote from the town centre.
103. The owner of HMS pharmacy objected to full pedestrianisation as it prevented vehicular access to their rear car park on Market Place between the hours of 10am and 4pm.
104. As previously mentioned, both bus operators withdrew their objections prior to the Inquiry, upon an agreement by the Council to investigate and deliver a package of mitigation measures to improve bus services within the town.
105. No such resolution was achieved with the owner of HMS Pharmacy who, during a telephone conversation with the Council in December 2015, advised that the business would not be sending a representative to the Inquiry but still wished for their objection to be considered by the Inspector. A copy of the objection is attached at Appendix F.
106. In mitigation, the Council advised that daytime loading/unloading requirements had been accommodated through the installation of a loading bay outside the pharmacy on Baxter Gate. The Inspector was advised that would be difficult to accept that this was not an adequate arrangement and that it would be unreasonable to try to accommodate the request for allowing access into the pedestrianised area between 10am and 4pm as it would set a precedent for other businesses using the Market Street car park.

Mitigation Measures – Bus Operators

107. Kinchbus and Arriva were invited to discuss their concerns with the Council and to ascertain whether there was a desire to withdraw their objection in exchange for a series of improvements to bus facilities in the town centre.
108. On 15 December 2015 the Director of Environment and Transport met with representatives of Kinchbus and Arriva Midlands to discuss a package of mitigation works. The Council offered to:
 - (a) Investigate the issue of unauthorised traffic using Baxter Gate and High Street and implement suitable measures that assign bus priority on these routes;

- (b) Review pedestrian signage and where appropriate, introduce finger posts directing pedestrians to the Lemyngton Street, Baxter Gate, The Rushes and High Street bus stops;
- (c) Review passenger/public information and the provision of an additional totem at the Lemyngton Street bus stop, subject to approval from Charnwood Borough Council;
- (d) In collaboration with the bus operators, to review the positioning and design of the waiting facilities at the Lemyngton Street bus stop;
- (e) Monitor congestion monitoring at the Derby Road / Belton Road junction with a view to introducing bus detection or priority measures where feasible;
- (f) Implement measures to address congestion at Bridge Street / Derby Road junction, including works to alleviate the congestion caused by traffic joining the IRR from the Tesco car park.

109. Upon receipt of this offer, Arriva and Kinchbus both confirmed in writing the withdrawal of their objections (on 24th December and 30th December 2015 respectively).

110. It is envisaged that survey work for the above measures will be carried out during February / March 2016.

Conclusion

111. Although the Inspector's report is still awaited, the Council strongly pressed the benefits brought about by the scheme and that the ETROs should be made permanent.

112. Despite the objections received, there is an overall majority for the permanent introduction of the scheme. Likewise, the withdrawal of the objections from the two bus operators and the seeming lack of objection from local businesses about the impact of the scheme, suggest that there is an appreciation of the positive impact that the pedestrianisation trial has brought about.

113. Cross-town bus services severance concerns have been unfounded, and whilst the Lemyngton Street bus stop is not yet much used, it is used by a limited number of through-services. Health and safety considerations for all town centre pedestrians have been considerable.

114. The Loughborough BID presented a cogent account of the economic situation within the town, and whilst it may never be possible to attribute Loughborough's comparative economic success to the pedestrianisation trial itself, there are certainly no signs of harm being caused by the scheme.

115. At the Inquiry the CTC and from Resident A pressed for cyclists to be permitted within the pedestrianised area at all times, at this may have a bearing on the Inspector's final recommendation.

116. Should the recommendation be to implement a modified scheme of traffic management in the town centre, a new Experimental TRO (s) would need to be introduced. As there are some elements of the ETRO which are not subject to the Inspector's review, such as the bus lane on Ashby Square / Derby Square to which there were no objections, it is recommended that these elements should be made permanent.
117. Where the Inspector recommends the ETRO's be made permanent the necessary Permanent Orders will be made. These would be subject to a challenge period of 6 weeks to the High Court.
118. There is no evidence to suggest that the bus lane trial on Ashby Square / Derby Square should not be made permanent. There have been no objections to this element of the scheme and it is of benefit to all services using this route, including the recently rerouted Arriva 16.
119. As the legal Orders pertaining to the town centre pedestrianisation expire at the end of April 2016, it is imperative that the Cabinet agrees the proposed way forward, allowing sufficient time for making any relevant legal Orders and arranging physical works to be implemented in light of the Inspector's recommendation.

Equality and Human Rights Implications

120. There has been no change to the Council's position in seeking to make the Order permanent. Therefore, the Equalities and Human Rights Impact Assessment screening that was previously submitted with the Cabinet report of 7th October 2015 is still relevant and is attached at Appendix G.
121. The scheme will reduce conflict between motor vehicles and pedestrians within the town centre and improve the ease of movement for those on foot. The main shopping area is now completely traffic-free between 10am and 4pm and therefore much safer and more pleasant than before the scheme was introduced.
122. The removal of the bus stop from the Market Place has increased the walking distance for some passengers using the services that terminate on Lemyngton Street. In order to assist passengers using this stop, premium bus shelters with seating, passenger information and level boarding facilities have been provided. Footways are much wider and there is no change in level between the footway and carriageway.
123. A formal complaint was also made that the Council had failed its duties under the Equality Act to consider indirect discrimination upon the disabled and elderly user groups. This claim was dismissed on 27th January 2015 by the Local Government Ombudsman.

Environmental Impact

124. The trial has had a positive impact on vehicle emissions and noise pollution in the heavily pedestrianised area within the immediate vicinity of the town centre.

Background Papers

Report to the Cabinet - 6 March 2013 “Loughborough Town Centre Transport Scheme Approval of Bus Trial”

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=3630&Ver=4>

Report to the Cabinet - 7 March 2006 “Transport Proposals for Central Loughborough”

[http://politics.leics.gov.uk/Published/C00000135/M00001407/AI00012767/\\$TransportProposalsforCentralLoughborough.doc.pdf](http://politics.leics.gov.uk/Published/C00000135/M00001407/AI00012767/$TransportProposalsforCentralLoughborough.doc.pdf)

Loughborough Town Centre Consultation Report – March 2006

http://www.leics.gov.uk/consultation_report.pdf

Report to the Cabinet - 23 November 2007 “Transport Proposals for Central Loughborough”

[http://politics.leics.gov.uk/Published/C00000135/M00001973/AI00017857/\\$ItemKTransportProposals.doc.pdf](http://politics.leics.gov.uk/Published/C00000135/M00001973/AI00017857/$ItemKTransportProposals.doc.pdf)

Report to the Cabinet – 1st April 2014 “Loughborough Town Centre – Bus Trial Consultation”

[http://politics.leics.gov.uk/Published/C00000135/M00003989/AI00037531/\\$11LBoroTownCentreBusTrial.docxA.ps.pdf](http://politics.leics.gov.uk/Published/C00000135/M00003989/AI00037531/$11LBoroTownCentreBusTrial.docxA.ps.pdf)

Report to the Cabinet – 7 October 2015 “Loughborough Town Centre Pedestrianisation Trial - Feedback from Consultation and the Way Forward”

[http://politics.leics.gov.uk/Published/C00000135/M00004504/AI00045322/\\$CabinetReport.docA.ps.pdf](http://politics.leics.gov.uk/Published/C00000135/M00004504/AI00045322/$CabinetReport.docA.ps.pdf)

Appendices

Appendix A - Summary of Representations and Officer Response

Appendix B – ETRO Traffic Regulation Order Plan

Appendix C – Leicestershire County Council – Public Inquiry Summary of Evidence

Appendix D – Loughborough Trial Evaluation – Final Report (Executive Summary - AECOM

Appendix E – Statement from Loughborough BID

Appendix F – Statutory Objection (HMS Pharmacy)

Appendix G – EHRIA Screening Assessment