
Report to Leicestershire County Council

by Martin Elliott BSc

an Inspector appointed by Leicestershire County Council

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The (Various Roads, Loughborough, Borough of Charnwood) (Imposition of Waiting and Loading Restrictions) Experimental Order 2014

The (Various Roads, Loughborough, Borough of Charnwood) (Various Restrictions of Movement and Contra-Flow Cycle Lane) Experimental Order 2014

Inquiry opened on 12 January 2016

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CASE DETAILS

The (Various Roads, Loughborough, Borough of Charnwood) (Imposition of Waiting and Loading Restrictions) Experimental Order 2014

- The Experimental Order (Restrictions Order) was made by Leicestershire County Council in exercise of its powers under Section 9, 10(2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and was sealed on 20 October 2014 and came into force on 31 October 2014.
- The Order, if confirmed, would restrict parking and loading along sections of highway and provide for parking and loading facilities at locations which are available when restrictions on vehicular movement apply. The Order also revokes existing parking and loading restrictions on Market Place, Swan Street, High Street and The Rushes.

Summary of Recommendation: It is recommended that the Order be made permanent.

The (Various Roads, Loughborough, Borough of Charnwood) (Various Restrictions of Movement and Contra-Flow Cycle Lane) Experimental Order 2014

- The Experimental Order (Movement Order) was made by Leicestershire County Council in exercise of its powers under Section 9, 10(2) the Road Traffic Regulation Act 1984 (the Act), and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act and was sealed on 20 October 2014 and came into force on 31 October 2014.
- The Order, if confirmed, would introduce a number of access restrictions on several town centre roads to prohibit the driving of all vehicles between 10am and 4pm and permit access to the pedestrianised area by cyclists and by vehicles used for loading/unloading between 4 pm and 10 am.

Summary of Recommendation: It is recommended that the Order be made permanent.

Preliminary Matters

1. I held a public local inquiry in the Guthlaxton Committee Room at County Hall, Glenfield, Leicester on 12 and 13 January 2016. I carried out an unaccompanied site inspection of Loughborough town centre on the afternoon of 11 January. I did not carry out a further site inspection following the close of the inquiry as there were no new issues which required me to do so. None of the parties requested that I carried out a further site inspection.
2. At the inquiry the Council confirmed that all statutory requirements had been complied with.
3. The Council has made three Experimental Traffic Regulation Orders (ETROs) two of which are identified in the Case Details above. A third Order 'The Leicestershire County Council (Ashby Square/Ashby Road, Loughborough, Borough of Charnwood)(Bus Lane) Experimental Order 2014' came into force on 31 October 2014. The Order provides for a new bus lane in Ashby Square. No

objections or representations were made in respect of this Order and the Order is not subject to the inquiry.

4. This report contains the gist of the submissions made by the parties, my conclusions and recommendations. My report makes reference to a number of appendices which accompany the proof of evidence of Mrs A Ducker.

Representations and objections

5. Following the making of the experimental traffic regulation Orders 147 representations were made. 98 representations were in favour of the full pedestrianisation as provided for by the Orders. 49 representations of objection were received citing issues relating to the location of bus stops being further away from the town centre, the impact on bus services, the effect on town centre trade and the prohibition of cyclists. A summary of the representations can be found at Appendices M5 and M6 of the Council's bundle of documents.
6. Three objections were received under Regulation 9(3) of the Local Authorities' Traffic Orders (Procedures)(England and Wales) Regulations 1996. These were from Arriva, Kinchbus Ltd and a Mr Modi (HMS Pharmacy, 4 Baxter Gate) (Appendices M7, M8 and M9)
7. On 15 December 2015 a meeting was held between representatives of Kinchbus Ltd, Arriva and Trent Barton¹ and officers from Leicestershire County Council. Following the meeting Arriva and Kinchbus Ltd were advised by letter dated 24 December 2015 of a number of mitigation measures (Appendices U and V). On the same day Arriva informed of its intention to withdraw its objection (Appendix W). On 30 December 2015 Kinchbus Ltd outlined their intention to withdraw their objections subject to further commitment to the mitigation measures outlined by the Council (Appendix W1). The Council subsequently confirmed its actions in an Email on 30 December 2015 (Appendix W2). Although the withdrawal of the objection by Kinchbus Ltd appears to have been conditional, and there has been no response to the Email from the Council, Kinchbus Ltd did not attend the inquiry or pursue their original objection in any respect. It appears to me that following the assurances given by the Council the objection has been resolved has in effect been withdrawn.
8. On 8 December 2015 Mr Modi was contacted by the Council (Appendix X). Mr Modi expressed his desire to maintain his objection to the Orders. However, he confirmed that he would be making no further representations and would not be attending the inquiry. In making my recommendation I have had regard to the objection from Mr Modi.
9. On 25 November 2015 the Council gave notice of the inquiry. A copy of the notice was sent to 222 frontages in Loughborough town centre and the 147 original respondents (see paragraph 5 above). In response to the notice a further 27 representations were made, 15 in support of making the Orders permanent and 12 in opposition to the orders (representations submitted at the inquiry are inquiry documents 3, 4 and 7).

¹ A sister company of Kinchbus

10. At the inquiry six people acting as individuals or representing organisations gave evidence in opposition to the Orders. Mr Hale for the Loughborough Business Improvement District (BID) gave evidence in support of the Orders.

The Orders

11. The (Various Roads, Loughborough, Borough of Charnwood) (Imposition of Waiting and Loading Restrictions) Experimental Order 2014 imposes a number of waiting and loading restrictions on parts of Ashby Road, Ashby Square, Baxter Gate, High Street, Swan Street, Market Place and The Rushes. The Order also provides for the installation of a bus stand clearway on selected lengths of High Street and Baxter Gate and disabled parking bays, one on the south side of Baxter Gate, and a single bay on both the north and south sides of Ashby Square. The Order also contains provisions on other town centre roads, the Council taking the opportunity to rectify known parking problems and discrepancies on these roads. No representations have been made to these additional provisions.
12. The (Various Roads, Loughborough, Borough of Charnwood) (Various Restrictions of Movement and Contra-Flow Cycle Lane) Experimental Order 2014 introduces a number of restrictions, the main effect is to prohibit the driving of vehicles (including cycles) within the pedestrianised area of Swan Street and Market Place between 10 am and 4 pm. Outside these times access into the pedestrianised area by cyclists and vehicles used for loading/unloading is permitted. Motor vehicles entering the pedestrianised section of Swan Street and Market Place between 4 pm and 10 am may only do so from the north. The Order also prohibits entry of vehicles from the south at the Market Place/Baxter Gate/High Street junction. However, provision is made to allow cyclists to approach from the south between 4 pm and 10 am. The Order also prohibits driving on High Street from its junction with Pinfold Gate/Woodgate to its junction with Baxter Gate except for vehicles gaining access to the roads or to the bus stops and taxi bays on High Street and Baxter Gate. Vehicular traffic will not be able to access High Street in a southbound direction. The Order also provides for a contra-flow cycle lane along the entire length of Baxter Gate.

Case for Leicestershire County Council

Pre pedestrianisation

13. The completion of the Loughborough Inner Relief Road (IRR) has been an aspiration since the 1970s when the proposal first appeared in the Charnwood Local Plan. Consultations carried out in 2005 revealed strong support for an IRR and the majority of the respondents favoured the full pedestrianisation of the town centre albeit with a bus station. In 2005 the provision of a bus station was ruled out. In 2014 the IRR was completed providing an opportunity for the pedestrianisation of the town centre.
14. Prior to pedestrianisation the High Street and Market Place was part of the A6 although on completion of the IRR the section of the A6 along the High Street, Market Place and Swan Street was declassified with the IRR becoming the A6. The A6 was/is part of the principal highway network with a daily flow of 12,000 vehicles (including 5.5% HGVs). The A6 caused a significant amount of severance and the section through Market Place and Swan Street was heavily used by pedestrians with 20,000 pedestrian crossing movements each day.

Access over the A6 was provided by three signalised crossings located between Baxter Gate and Ashby Square.

Accidents

15. Between 2000 and 2005 there were 87 road casualties on the A6 between Barrow Street and Bridge Street; half of these were pedestrians or cyclists. On the section of the A6 now pedestrianized three quarters of the casualties were pedestrians or cyclists.

Traffic Congestion

16. Loughborough was the largest and most congested of the County's urban areas with the A6 experiencing a significant amount of congestion during morning and evening peak periods. The A6 was considered unsuitable for the volume of traffic with the capacity of the road being further restricted by pedestrian crossing movements, the existence of on street loading/unloading and stationary buses. An Air Quality Management Area (AQMA) was established in the Loughborough inner area. Roads within the AQMA met national targets by 2010 with the exception of the A6 along High Street.

Poor Accessibility and Bus Interchange Facilities

17. Some 8,500 bus passengers journeyed into and from Loughborough town centre on a daily basis although town centre access was dominated by car. Poor quality waiting facilities and passenger information did not encourage the switch to public transport. A lack of adequate footpath width caused overcrowding at town centre bus stops and cyclists had limited route options.
18. Although on street parking along the A6 was not permitted at any time between Barrow Street and Bridge Street the frontages are mainly retail outlets with few having access to off street parking or loading facilities. Consequently kerbside loading and unloading was permitted at all times except between 7.30 am to 9.00 am and 4.30 pm to 6 pm Monday to Saturday. Other town centre streets² were subject to access and parking controls.

Bus Services

19. Loughborough is a key destination in the Charnwood Borough and is served by a significant level of bus provision from numerous unsubsidised operators. Prior to pedestrianisation the majority of services stopped on Swan Street (southbound) and Market Place (northbound).

History of the Scheme

20. The pedestrianisation of the town centre is a key feature of the Loughborough Town Centre Transport Scheme supported by £14.760m from the Department for Transport. For many years the County Council and Charnwood Borough Council recognised that, to overcome problems associated with the A6 through the town centre, it should be closed to general traffic. The County Council's Local Transport Plan for the period 2006 to 2011 noted that a scheme would reduce congestion, pollution and the impact of traffic.

² Baxter Gate, Market Place, Biggin Street, Church Gate, Derby Square and Ashby Square.

21. Although consultation was carried out in respect of three proposals in 2006 the Council carried out further consultation in 2013 on three options all of which assumed the removal of traffic from Market Place between High Street and Swan Street from 10 am to 4 pm subject to the following bus access:
- i) Option A – two way bus operation
 - ii) Option B – one way (southbound) bus operation
 - iii) Option C – No bus access
22. Each option included the improvement and installation of high quality bus shelters and stops on High Street/Baxter Gate and The Rushes/Derby Square. Existing bus stops on Swan Street and Market Place would be removed under all of the options. These stops would be relocated to High Street, The Rushes or Lemyngton Street.
23. Results of the consultation showed a majority in favour of a fully pedestrianised Market Place (option C).
24. On 1 April 2014 Cabinet were presented with the detailed breakdown of the consultation. The committee were of the opinion that the potential economic benefits to Loughborough outweighed the potential disbenefits to bus users and therefore chose option C. Work on the pedestrianised area was commenced in April 2014.
25. Three ETROs were made in order to achieve the elements of option C. During the 6 month period for representations 147 such representations were received by the Council. The representations were considered by the Council's Cabinet on 7 October 2015 when it was resolved that the Orders should be made permanent.

Performance criteria and independent review

26. The Loughborough Town Centre Transport Scheme is to be evaluated after one and 5 years. The success of the town centre pedestrianisation and associated access restrictions is to be tested against safety, ease of movement, public realm, bus services, economy and environment. However, the performance criteria were established at a time when the intention was to allow one way bus traffic through Market Place. Some criteria relating to, for example, the interaction between pedestrians and buses, safety issues of pedestrians sharing space with buses and air quality and noise issues associated with buses are no longer relevant.
27. In 2014 the Council commissioned AECOM³ to evaluate the impact of pedestrianisation and associated restrictions. The report (Appendix P) was published in December 2015.

Safety

28. From 2000 to 2005 there were 87 road casualties on the A6 between the junctions with what is now the IRR. Half of the casualties were either pedestrians or cyclists. On the section now pedestrianised three quarters were pedestrians or

³ AECOM Infrastructure & Environment UK Limited

cyclists. During the period between 31 October 2014 and 29 November 2015 when the pedestrianisation has been in force there have been four road traffic collisions resulting in six casualties. Although collisions have occurred the Orders have eliminated risk of collision between pedestrians and buses in pedestrianised areas. The removal of traffic between 10 am and 4 pm has also significantly reduced the risk of collisions.

Public realm

29. To understand the impact on the public realm AECOM carried out an assessment of the pedestrian environment using an approved methodology. The assessment found that the public realm elements of full pedestrianisation scored highly when compared with other options of allowing buses in the Market Place. Full pedestrianisation clearly offers the most attractive experience.

Bus services

30. Both Kinchbus Ltd and Arriva expressed a view that the exclusion of buses from the Market Place and Swan Street would negatively impact on their services. Kinchbus Ltd and Arriva reported a drop in patronage following the making of the ETROs. Kinchbus Ltd also argued that the removal of buses from the Market Place would threaten existing cross-town services although these have remained. They also stated that there had been a reduction in layover time and that services are running late more often. Kinchbus continues to say that cross-town services may be severed if congestion worsens.
31. Arriva report a significant impact on punctuality during 2014 caused by the roadworks associated with the trial. Although punctuality improved in 2015 passenger numbers are sharply down from the 2013 baseline.
32. The Council acknowledge that the need for buses to use the IRR has added approximately 250 metres to each bus route. However, buses no longer have to navigate a congested Market Place or squeeze into busy bus stops. Further, the IRR is purpose built for through traffic and is not crossed by 20,000 pedestrians each day. Options A and B would mean that buses are deliberately held up in the central area which is bound to produce delays and impair punctuality.
33. One of the main concerns raised in the representations was that southbound services could no longer stop in the pedestrianised section of Swan Street and that some would have to stop in Lemyngton Street. The AECOM survey of bus passengers revealed that there was no consensus on bus stop convenience.
34. The new stops on Lemyngton Street have been furnished with high quality waiting and seating areas with passenger information and fully accessible boarding facilities. The bus stops at Lemyngton Street are used by 126/127 (Arriva), 4/X27 (Paul Wilson) and SKY (Kinchbus/Trent Barton). The distance from the old Swan Street stops and the centre of the Market Place is 130 metres and the distance from the Lemyngton Street stops and the centre of Market Place is approximately 330 metres.
35. Services travelling from Leicester Road/Southfield Road continue to use stops in High Street and Baxter Gate. There is little difference between the old stops and the upgraded facilities in these streets. The Council identifies a number of changes to services which have been put into effect since pedestrianisation (6.27 of Mrs A Ducker's proof of evidence).

36. AECOM have analysed walking distances between the new and former bus stops and key services and facilities in the town. The distances were found to be marginal with the exception of the Lemyngton Street stop. The Council say that a new cinema complex on Baxter Gate will increase the attractiveness of this area to board and alight and could increase the attractiveness of the High Street stops. The High Street and The Rushes bus stops continue to offer good access to key town centre destinations when compared with the location of competing car parks.
37. The Council take the view that there continues to be a good level of access to Loughborough by bus from important residential areas and the most important surrounding areas/towns. Pedestrianisation has only had a minimal effect on the areas served or the frequency of services. The change to service 5 does not have anything to do with pedestrianisation and any changes in frequency are immaterial.

Economy

38. The Council has used retail occupancy rates and car park usage data to assess the impact of pedestrianisation on the local economy. However, there are difficulties in analysing the impact of the ETROs against a backdrop of a challenging economic climate. Although the Market Federation has claimed that the removal of buses from the Market Place has led to a significant decline in customers, car park data suggests that Loughborough is an attractive destination with usage at its highest level for 5 years. Footfall data from The Rushes and at other key town centre destinations suggests an increase in 2015 when compared to the previous year.
39. Although retail vacancy rates have remained fairly stable in Loughborough BID suggests vacancy rates have fallen from 11% in October 2014 to 8.3% in December 2015. It is understood that this is the lowest figure on record since BID started monitoring vacancy rates in 2012.
40. The relocation of bus stops to Lemyngton Street has increased pedestrian activity on Church Gate and pedestrianisation has united northern and southern parts of the shopping centre. Further, the opening of the IRR has unlocked derelict land on the south east of Baxter Gate now being developed for a cinema and leisure complex. It is considered that an indirect benefit for employment is the reduced walking time in the town centre.
41. AECOM have asked a selection of retailers, half of which thought that the town centre was quieter than a year ago. Three quarters of the public who were surveyed felt the town was as busy, or busier, than a year ago.
42. The Council say it cannot be concluded that full pedestrianisation has clearly caused overall economic gains but the evidence is encouraging and provides no reason not to continue with full pedestrianisation.

Environment

43. The removal of traffic from Market Place has reduced the level of noise pollution, particularly during the day time. This would worsen if buses were reinstated in the Market Place.

44. Preliminary readings suggest a large improvement in air quality on High Street and Baxter Gate. Allowing buses to travel southbound through the Market Place, involving 29 trips an hour, would potentially have a significant effect on air quality.

Cycling

45. As regards access by cycles it is submitted that the arrangements are not unacceptable. Cyclists can travel in both directions down the High Street and the non-pedestrianised parts of Swan Street. Access is available through all the pedestrianised areas between 4 pm and 10 am. If they wish to take a route avoiding the IRR it is possible outside these times to walk the 90m through the pedestrianised area which might take a minute. It is accepted that cyclists will, on almost all occasions, do enough to ensure that they do not collide with pedestrians. However, there is a perception that pedestrians and cyclists do not mix. Cyclists will not be travelling at walking pace and will have to weave in and out of pedestrians. Given that the pedestrianised area is open there will be no carriageway or pavement and pedestrians will be moving across the area. If cycling was permitted in the central area then it would not be possible to prevent cyclists from entering other pedestrianised areas.

Representations and objections

46. During the 6 month period for objections to the ETROs the Council received 147 responses. A summary of the representations is provided at Appendix R. 98 (67%) were in favour of full pedestrianisation. Support was forthcoming from Loughborough BID, Charnwood Borough Council and Nicky Morgan MP. Both the Storer and Ashby Area Residents' Association (SARG) and the Forest Road and Holywell Drive Residents' Group (FRHARG) wished the ETROs to become permanent.
47. 49 of the responses opposed the experimental Order being made permanent with 31 objections citing the location of new bus stops as being inconvenient with 22 saying that it was too far to walk to the Lemyngton Street stops. The Market Traders Association noted that the town centre market was in decline because many customers were unable to access the town centre by bus due to the positions of bus stops. The CTC raised concerns about the pedestrianisation of the town centre, in particular the prohibition of cycling between 10 am and 4 pm.

Objections under Regulation 9(3) of the Local Authorities' Traffic Orders (Procedures)(England and Wales) Regulations

Kinchbus (Appendix S2)

48. The Council acknowledges that bus passengers using the Lemyngton Street stops will have to walk a greater distance to the Market Place. The stop is used by the Kinchbus SKY service between Leicester and Derby via East Midlands Airport and has been provided with high quality infrastructure. However, the removal of town centre traffic considerably eases the movement of pedestrians and bus passengers generally and improves accessibility to shops and town centre services. There has been little impact upon the walking distance between the northbound stops for services which still use the High Street and Baxter Gate. As regards cross-town services operated by Kinchbus, all use the High Street bus stop which, with the exception of the Swan Street bus stop, is the closest to the

town centre. It is also as close, or closer to, the Market Place and the Town Hall than any town centre car park. The High Street stop is closer to the cinema and leisure complex currently being developed.

49. Services 5, 11 and 12 continue to operate despite concerns raised by Kinchbus. Service 5 has stopped serving the hospital in 2015 as it had not proved as popular as hoped although Kinchbus cited the pedestrianisation as the reason for this cut.

Arriva (Appendix S1)

50. The Council notes the effect on the 126 service and the delays caused by congestion at the Bridge Street/Derby Road Junction. This junction is due to be linked to a SCOOT system⁴ and will be operating in 2016. The Council acknowledges that the newly installed signals on the IRR have not been operating efficiently due to a technical issue. This has prevented the SCOOT system, which would allow signals to operate responsively to the level of congestion of traffic using the IRR, from operating effectively. This is being rectified and expected to be fully operational by the end of January 2016.
51. The Council appreciates that allowing buses through the Market Place would be the preferred option for operators and many passengers. However, this would substantially impair the pedestrianisation and undermine the benefits complete pedestrianisation brings – improved safety, less pollution, improved pedestrian mobility and stimulating the local economy. The Council believes that the benefits of pedestrianisation significantly outweighs the impairment to bus services. It is noted that the IRR has greatly improved the highway network in Loughborough, to the considerable benefit of the bus operators, making extensive provision for high quality bus stops on routes where traffic is permitted. Overall the accessibility of the town centre by bus has not been materially impaired by pedestrianisation and continues to be well served by bus services.

HMS Pharmacy

52. On analysis the Council considers that the objection must be to the Movement Order. HMS Pharmacy is located at 4 Baxter Gate. The premises have a rear car park which is only accessible from the pedestrianised area. The objector has stated that he needs to use his car park for loading between 10 am and 4 pm. However, a loading bay has been provided on Baxter Gate immediately outside the premises.
53. The Council considers that the benefits of pedestrianisation would be substantially impaired if vehicles were allowed access during the peak periods of 10 am to 4 pm and could lead to abuse by other motorists. The Council contends that the business needs of Mr Modi have been taken into account through the provision of a loading bay at the most convenient location for his business.

⁴ Split Cycle Offset Optimisation Technique a tool for managing and controlling traffic signals in urban areas.

Key Considerations

54. Under section 130(1) of the Highways Act 1980 the Council has a duty to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority. Further, under Part 2 of Section 16(1) of the Traffic Management Act 2004 the Council has a duty to manage the road network with a view to securing the expeditious movement of traffic on the authority's road network.
55. The effect of the ETROs is to restrict the passage of through traffic in the town's main shopping streets, once congested, and transfer all traffic onto the IRR. The ETROs ensure the safe and effective movement within the heart of the town. The ETROs therefore facilitate the safe passage by pedestrians on town centre roads and improve the amenity of the area through which the roads run and fall within section 1(1)(c) and (f) of the Road Traffic Regulation Act 1984 (the 1984 Act). The Orders make provision authorised by Section 2(2)(a)(b)(c)(d) of the 1984 Act.
56. The ETROs assist the Council in performing its duty under Section 122 (1) of the 1984 Act so far as practicable with regard to Section 12(2). Section 122(2)(d) is also considered relevant. Section 122(2) objectives are furthered by the Orders due to the removal of traffic from the main shopping area and onto a purpose built relief road. This creates a more pleasant and safer environment for pedestrians by removing all pedestrian/vehicle conflict and allowing pedestrians to move around the town centre with ease. Prior to pedestrianisation traffic travelled along Swan Street and Market Place effectively cutting the town centre in half.
57. Although traffic is prohibited from Market Place during periods of heavy pedestrian activity, the effect on displaced traffic and the impact on local businesses was considered at the design stage of the scheme. New and improved bus stops have been provided as close as possible to the town centre, new loading bays and disabled parking bays and taxi facilities installed. Exemptions for access from 4 pm to 10 am allows access for businesses and this secures and maintains reasonable access to premises. Bus access is facilitated by allowing buses along High Street and Baxter Gate so as to achieve a convenient access to the IRR.
58. The removal of traffic from the town centre has led to significant improvements to air quality and noise pollution and has vastly enhanced the public realm and amenity for local businesses, customers and visitors to the town.

Equality Impact Assessment

59. An Equality Impact Assessment Tool was used in 2013 to specifically review the impact of the proposals for the town centre. The review was based upon the Cabinet decision to trial a one-way southbound bus flow. However, it also addressed both the inclusion and exclusion of bus flow through Swan Street. The review concluded that the overall impact of the scheme was positive and that a full EIA was not required.
60. A complaint was made to the Local Government Ombudsman that the Council's Cabinet had failed to discharge its duty under the Equality Act 2010. The Ombudsman concluded that there was no fault in the Council's actions.

Conclusions

61. The completion of the IRR and the aspiration to pedestrianise the town centre has been a desire of the County Council and Charnwood Borough Council for many years. The completion of the IRR enabled pedestrianisation and other town centre improvements to be implemented which have been achieved through the ETROs.
62. Support for the ETROs has not been unanimous. Concerns have been raised in respect of cycling through the pedestrianised area and the inability to access a particular off street parking area. The main cause for concern is the impact on southbound bus services and the location of the southbound bus stop from Swan Street to Lemyngton Street. The increased walking distance is a concern to bus operators and passengers and the Market Traders' Association claim a significant drop in trade. However, many services offer boarding and alighting at improved central stops and despite an alleged drop in patronage they are well used.
63. Although there are some disbenefits, improvements to road safety, environment and amenity and signs of inward investment cannot be disregarded. The reintroduction of traffic would undo decades of planning and public consultation to provide a transport scheme which is in the best interests of the town and supported by the local population.
64. The Council asks the Inspector to recommend that the ETROs should be made permanent.

Case for the supporter at the inquiry

Loughborough Improvement District (BID)

65. The Loughborough BID was established in 2012 and represents the 600 businesses in the area. Its purpose is to promote and improve the town centre and to increase footfall and trade to the benefit of businesses and the public alike. BID has consistently supported the overall scheme because of the significant benefits it brings to the town centre. BID are strong advocates for option C, the total exclusion of buses through Market Place. It is clear that support for the scheme has grown over the years as people and businesses become aware of the benefits.

Safety

66. There can be no doubt that Option C will be safer than options A and B which allow bus movements through the town centre. The presence of buses in an otherwise pedestrian area is bound to increase the potential for conflict between buses and pedestrians. With no buses people are free to move about the Market Place confident that there will be no vehicles. It is accepted that vehicles are permitted before 10 am and after 4 pm but that is a regime which operates in the rest of the Market Place. People are used to that arrangement during the quietest times.

Ease of Movement

67. Option C provides the best outcome for pedestrians. A key benefit is that the scheme joins the two halves of the town centre together which have been separated by very heavy traffic on the former A6. Pedestrians are able to move

freely about the Market Place. Footfall counters demonstrate that the most significant increases in footfall have taken place at the Market Place end of Church Gate and Biggin Street. Key attractors of footfall are the Rushes Centre and Carillon Centre.

68. For those with disabilities or limited mobility the existence of a traffic free, level and paved pedestrian area offers a much safer and more convenient arena for movement than one with buses passing through and raised kerbs. Movement for wheelchairs and mobility scooters is significantly easier.
69. The ability for cyclists to use the Market Place, free from buses, before 10 am and after 4 pm is a significant benefit. In respect of vehicular movement all options banned general traffic from Market Place with restricted access in High Street and Baxter Gate.

Public Realm

70. The proposals create a public realm with an enhanced town centre experience. The Market Place functions as a single space with a public place offering huge potential for events.

Bus Services

71. All three options considered by the Council mean that it is inevitable that bus stops would be relatively more remote from the centre of the Market Place. For the majority of bus services the revised routes and stops on High Street, Baxter Gate, Swan Street, Fennel Street and Ashby Square offer equally good accessibility to the town centre. It is recognised that in respect of the Arriva 126 and 127 southbound service the nearest stop in Lemington Street is significantly further away than under options A and B. However, the distance to the Market Place is not an unacceptable distance.
72. The AECOM report at 6.10 suggests that option A or B would be the best option from the perspective of the bus operators and users. BID accepts the conclusion in respect of bus operators but not users. Bus users were not asked how they rated the three options. They were asked views on the trial scheme and in that regard 7 out of 10 rated the scheme highly. 66% said that the scheme had improved, or substantially improved, the situation. 21% thought there had been no change and only 12% thought it worse. The general public was strongly in support of the scheme (8 out of 10) and 78% of the general public felt the town was as busy or busier than before. Even the bus operators gave the scheme 5 out of 10.

Economy

73. BID supports option C because it offers the best prospects for the promotion of the town centre by joining the two halves of the town and by creating a first-class public space.
74. It is acknowledged that it is difficult to demonstrate a precise correlation between town centre performance and whether or not buses run through the Market Place. The situation in Loughborough needs to be seen in the context of falling footfall nationally and a strong trend to online shopping. The full pedestrianisation of the Market Place is a prerequisite to allow the creation of the

- town centre experience through an imaginative use of a splendid open space. This would not be possible with options A and B.
75. The number of vacant units is at its lowest since BID was formed. In November 2015 the number of vacant units was 50 (8.3%) compared with a high of 70 units (13%). 8 of the current vacant units are being fitted out for occupation.
 76. In the 'Economy' section of the AECOM report it is noted that many of the vacant retail units relate to changes in national shopping chains (HMV, Blockbuster etc.) and unrelated to the performance of Loughborough itself. BID agrees with the comment but notes that units occupied by HMV and Blockbuster have been reoccupied as have those previously occupied by Dorothy Perkins, Top Shop and Dolland and Aitcheson. This makes a positive statement about the attractiveness of the town.
 77. AECOM acknowledge that surveys have overestimated the proportion of bus users. NEMS market research in 2013 as part of a retail and town centre study for Charnwood Borough Council showed that for food shopping 87.3% of journeys are made by car and 2.85% by bus. For clothes and shoe shopping 78.3% by car and 12.7% by bus. The National Travel Survey, England 2013 says that for shopping 66% of trips are made by car, 21% on foot and 9% by bus. For commuting 69% of trips are by car, 9% on foot, 9% by rail and 7% by bus.
 78. Car parking has been at its highest of any in the last 6 years in 8 of the 12 months following the commencement of the ETROs. Car park use in 2015 was 8.6% higher than in 2014.
 79. Footfall in Q1 of 2015 was -1% compared with the previous year, +3% in Q2 and +2% in Q3. This compares with a 1.9% fall in the UK in 2015. In the Christmas week of 2015 (21 to 27 December) footfall in Loughborough was +3% compared to 2014 whereas footfall across the UK was -2.3%.
 80. BID notes the comments of the Director in his report to cabinet that there was a large improvement in air quality and a reduction in noise pollution particularly during the daytime. The Director considers it reasonable to presume that the reinstatement of traffic along Swan Street would negatively impact on air quality and noise pollution.
 81. BID contends that the statement in the AECOM report, that a large proportion of retailers think the scheme has worsened Loughborough and that the town is quieter than a year ago, is misleading; it gives the impression that the majority of retailers are against the scheme. However, only 25 businesses out of 81 completed the survey. The pie charts (Figures 4.3, 4.4 and 4.5 in the report) say that 40% oppose the trial and 60% supported or neither supported nor opposed the scheme, 44% considered the scheme has worsened Loughborough with 56% saying it was better or no change. 48% considered the town centre to be quieter with 52% busier. There is therefore an even larger proportion who feel that the town is better or unchanged and just as busy or busier.
 82. BID concludes that option C performs better than the other options and in light of this, the widespread support of the business community and the withdrawal of the major objections to the scheme the ETRO scheme should be made permanent.

Written representations of support***Julia Strong***

83. Julia Strong sees the pedestrianisation as the biggest improvement arising from recent changes. She says that it is nicer to walk freely between shopping areas rather than negotiating traffic. The area is safer and cleaner adding to the attractiveness of the town. Lemyngton Street is not a vast distance from the Market Square and is in easy walking distance through an attractive shopping area. Buses passing through the middle of the pedestrianised area will split the town in half.

Ian Farnfield

84. Ian Farnfield states that the only logical answer is to keep the area 100% pedestrianised, to allow anything else would defeat the object. Buses can pick up and drop off in High Street and if they go through The Rushes there are bus stops outside Wilkinson's (Swan Street).

Brian Wall

85. Brian Wall refers to the objection from Kinchbus and in particular their reference to the distance to the Lemyngton Street stops. However, he makes the point that there is another stop on the High Street no more than 25 metres from the previous Market Street stop. It is not necessary to use the Lemyngton Street stop unless using shops such as Tesco, M & S and TKMax. Stops could also be located in Baxter Gate which is convenient for the new cinema and restaurant complex. Mr Wall also claims that the Arriva services 126/127 take a convoluted route when more suitable options are available.

Janet Warwick

86. Janet Warwick states that the town centre now provides a safe and pleasurable experience. To let buses through the middle of the town centre would be a disaster and dangerous to old and young pedestrians who enjoy the freedom of walking through the town centre. Once the new cinema opens there will be a lot more pedestrians. Ms Warwick states that it is possible for the bus companies to make adjustments to their routes and bus stops.

Pete Tomkins

87. Pete Tomkins considers that the removal of buses makes for a very pleasant experience. To reintroduce buses in the town centre would make it more dangerous for pedestrians and there would be more pollution.

Hilda Puttick

88. Hilda Puttick, a member of SARG, says that most support the pedestrianisation which has greatly improved the town centre. It will also improve business and footfall and any decrease in footfall and bus usage is due to austerity. There is a freedom to walk through the middle of town without having to worry about buses and shopping at weekly markets is enhanced. It is no longer necessary to consider where to cross the A6 as there is no traffic impeding the way. The return of buses would negate any improvement and would make life more difficult for many people. Ms Puttick considers that bus companies are not being helpful as they could make the system work better.

Derek Lowndes

89. Derek Lowndes readily accepts that a relatively small number of people find the new siting of the bus stops inconvenient. However, there is a strong case for the protection of the pedestrianised area of the Market Place. There is a huge improvement in air quality. The pedestrianisation has been a major step forward in the development of the town centre providing a safe, clean and low air pollution area which has much improved the shopping experience.

Mr and Mrs Baker

90. Mr and Mrs Baker say that it is now a pleasurable experience to visit Loughborough since, as pedestrians, they do not have to suffer the fumes from traffic. Concerns are raised that bus companies are raising objections to what many consider a most successful pedestrianisation. To reintroduce buses would be a disaster.

Dr Bullman (SARG)

91. Dr Bullman for SARG indicates support for the exclusion of buses through the pedestrianised area. It is stated that the pedestrianised area is a vast improvement creating a lovely town centre. Shopping at the Saturday and Thursday markets is much better and the town centre has a much more friendly and cohesive feel. The freedom to walk around the middle of town without having to worry about buses is enjoyed. SARG notes the reported drop in footfall. This is believed to be attributable to national austerity, which is unrelated to pedestrianisation, and major disruption caused by the creation of the pedestrianised area. The reduction in footfall is also due to short term difficulties such as bus stop and route changes and the public getting used to the new access arrangements. SARG is in favour of full pedestrianisation. There is no longer the need to consider the crossing of the A6 and buses through the pedestrianised area would make it difficult for all groups of pedestrians. The reintroduction of buses would be negative to the improvements already achieved. The markets will be better when they can expand into the newly pedestrianised area. SARG outlines that the bus companies could make simple improvements by doing a loop to get passengers closer to the centre than Lemyngton Street and making better use of the High Street and Baxter Gate area.

Nicholas Ball

92. Nicholas Ball makes the point that the removal of traffic from Market Place was to overcome concerns over air pollution. Loughborough was identified as having two of the four worst air quality hotspots in Leicestershire, namely High Street, Baxter Gate and lower Market Place. Air quality concerns were also raised in relation to the A6/Derby Road corridor. Loughborough was designated an AQMA. Mr Ball contends that to reintroduce buses into Market Place would be a retrograde step. Mr Ball prefers the healthier pedestrianised, traffic free Market Place.

Rt Hon Nicky Morgan MP

93. The Rt. Hon Nicky Morgan MP is strongly in favour of the town centre pedestrianisation being confirmed with the scheme meeting the original aim of improving air quality for pedestrians and reducing congestion in Loughborough. All options mean that there will be no return to two way traffic in the

Loughborough town centre. Buses will not stop in Swan Street or Market Place and bus stops at Market Place and outside the Halifax are removed. There will be no bus stops between Derby Square and Baxter Gate. The disadvantage of allowing buses back through the newly pedestrianised area is that it would render the area unusable for events and would reintroduce a barrier to free movement across the town centre. It is considered that the town centre is becoming more vibrant and successful. In December 2015 there was the lowest vacancy rate since the formation of the Loughborough BID. The use of car parks has increased in 2014 and early 2015 compared with the previous 2 years. Attendance at Christmas 2014 events was up and leading retailers have reported increased sales.

Carole Wheat

94. Carole Wheat asks that the town centre is not opened up to buses and cars and is kept as it is. She says that shopping is a pleasure and people can move freely without having to avoid buses and cars. She says that trying to catch the bus outside the Halifax was impossible and dangerous. She has no difficulties with the Lemyngton Street bus stop.

James Smith

95. In his experience crossing the A6 when it passed through the town centre was always hazardous. With pedestrianisation vehicles have no choice but to use the IRR leaving the town centre free for safe pedestrian access. Whilst Mr Smith initially observed a reduction in the number of visitors, although possibly down to inclement weather, it would appear to him that the number of visitors to the market has returned to its normal level with new shops opening in the Market Place. Mr Smith uses the Kinchbus 2 service which, other than rare occasions is full from 9 am onwards. He occasionally uses the Roberts 27 Service which he considers to be as busy now as before pedestrianisation. Mr Smith observes that overall the effect is to make visiting Loughborough a safer and more enjoyable experience and he is in favour of the current situation continuing.

Objections under Regulation 9(3) of the Local Authorities' Traffic Orders (Procedures)(England and Wales) Regulations

96. Mr Modi of HMS Pharmacy at 4 Baxter Gate usually parks his car at the back of his premises with access off Swan Street adjacent to McDonald's. He carries out medical deliveries to patients throughout the day and needs access during the hours when traffic is prohibited. This is because he loads his vehicle to the back of his premises. Saturdays is a particular problem because Mr Modi finishes between 1pm and 2pm and needs to come from the parking area into the pedestrian area. He has attempted to load from the front of the shop but has on several occasions been issued with a parking ticket.

97. Mr Modi considers that an exemption is required for his business, Maxin Chicken, Doner Master and Burtons.

Cases for objectors at the inquiry

Mr T Kirby (Chairman, Campaign for Better Transport (CBT))

98. The current scheme penalises bus users of all ages by requiring them to walk much longer distances to and from their buses. In particular, those using the

southbound bus stop on Lemyngton Street are required to cross a busy road. There are also adverse implications for people with disabilities. Passengers coming from Derby and East Midlands Airport often do not realise that the Lemyngton Street stop is the town centre bus stop and have missed their stop as a result. The scheme has resulted in longer, slower and less reliable journeys for bus passengers with delays being felt in places as far apart as Leicester, Nottingham, East Midlands Airport, Derby and Coalville. Making it difficult for passengers could also impact on the viability of local businesses. CBT are not against traffic reduction schemes but the Loughborough town centre scheme has not been properly implemented. CBT would be content if the County Council did the same as in Regent Street, Hinckley – allow buses through a pinch point or rising bollards and ban all other traffic except delivery vehicles at certain times and emergency vehicles. In Mr Kirby's experience the system works well.

Ruth Youngs

99. The Market Place is the main direct linking road between the two sides of the town. This was previously used by all cross town bus services giving access to the whole town and offering good connections between buses to different destinations. The new road involves a much longer journey for buses, connections are dreadful and one major bus stop is a long distance from the town centre.
100. The Council has neglected its public sector equality duty under section 149 of the Equality Act. This is important given that 54 % of bus users are concessionary pass holders who are either disabled or elderly. The initial Equality Questionnaire was carried out before a vote was taken on the scheme and was carried out in relation to two way buses going through the pedestrianised area; this demonstrates that they have considered their public equality duty. No Equality Questionnaire was carried out in respect of complete pedestrianisation in advance of the cabinet decision of 1 April 2014. One was not completed until 31 October 2014 and this only included pedestrians. However, bus users are the only pedestrians affected by the decision of whether or not to exclude buses. It is questioned whether the questionnaire was done merely to show that the Council had complied with its duty.
101. Pedestrianisation means disabled and elderly bus users are at a considerable disadvantage by having to walk further to catch the bus. It takes longer to get to places and is tiring, connecting buses which formerly stopped at the same stops are missed. The majority of through services now use the IRR and the disabled/elderly are discouraged from catching these services. The Department for Transport Inclusive Mobility Guidance states that regular bus services designed with the disabled/elderly in mind should have stops every 200 metres; this distance is exceeded with the Lemyngton Street stops. Bus users need access to various town centre facilities and 20% of passengers want to travel across town. From the south there is no longer a bus service to and from the train station or University whereas before pedestrianisation you would only have to cross the road. There is also no bus to the hospital or services to the council offices or police station.
102. Option C was approved by a slim majority on the basis that it would be good for the town centre economy. The Cabinet failed to consider a report from the Institute of Transport Studies concerning the loss of income arising from the

effect of inconvenient bus stops. Some 70,000 passengers travel to Loughborough each week by bus and if they did not have a convenient bus stop 24% indicated they would go elsewhere. Figures from a survey carried out by the Institute for Transport Studies in December 2013 indicates that the average shopper's spend is £41. If 24% went elsewhere then there would be a loss of £689,000. The AECOM report indicates that retailers and market traders are experiencing a reduction in trade and footfall against the national trend of increased economic activity.

103. As parking is near the shops many elderly bus users now take their car into town. The alternative schemes would have avoided this. Ms Youngs identified that she, amongst a number of others, is a tricycle user and cannot use the pedestrianised area.
104. The Council has ignored the officer's recommendation to allow a trial of buses through the pedestrianised area as set out in the Loughborough Town Centre Transport Scheme funding bid of September 2011. Another objective which has been ignored is improved public transport penetration and reliability in the town centre and higher quality transport facilities.
105. The Council should allow buses through the town centre as promised in their bid for funding. The Council would then satisfy its public sector equality duty and comply with the Department for Transport's Inclusive Mobility Guidelines. To continue with the pedestrianisation would appear perverse.

Mr Haycock

106. Before traffic was restricted in Swan Street it was possible for passengers travelling towards Leicester to board and alight from buses close to the Market Place. These users now have to walk 330 metres to or from the new bus stop on Lemyngton Street. Those with mobility problems now have difficulty in reaching the town centre. Insufficient attention has been given to bus stops or the restriction of buses. The ETROs should not be made permanent and some bus movements should be permitted.

Mr Leader

107. Mr Leader is a market trader. He agrees with pedestrianisation but disagrees with other elements. He contends that buses are aimed towards one side of the town centre. He suggested that this would be addressed by bus stops on Granby Street although accepted that this was a matter for the bus companies.
108. Mr Leader has carried out a survey of 450 people (inquiry document 5). Loughborough BID indicated a small increase in trade and footfall in the Rushes and Church Gate area. A Tony Symonds claimed that 80% of the market traders were against the scheme. Mr Leader found that trade and footfall is increasing where there are bus stops close by but declining where bus stops have been moved. Market traders are concerned about the lack of footfall and put it down to bus stops and routes being changed and parking being too expensive. The Market is the jewel in the crown of Loughborough and without an increase in footfall more traders will leave and more shops around the market will close.

Mr Southwood

109. Mr Southwood has no objections to the IRR which keeps traffic out of the town centre. However, he contends that this is no good for buses. His main concern is the Lemyngton Street bus stop in respect of those with disabilities, the elderly and those with pushchairs. The pedestrianisation will only increase car usage although Government policy is to reduce the carbon footprint. There may be a short term benefit but people will use cars rather than buses.

Mr Hill (CTC Right to Ride for Leicestershire)

110. No attempts seem to have been made to consider the needs and safety of cyclists and a standard Leicestershire County Council Cycle Audit would have highlighted the problems. The Councils equality response ignores disabled cyclists who cannot dismount and walk through the pedestrianised area. When cycling on High Street cyclists are often intimidated by vehicles illegally using the route and the contra flow cycle lane on Baxter Gate is often blocked by parked cars. Full pedestrianisation has been introduced in Bell Street, Wigston and the riding of cycles does not seem to be a problem.

111. In respect of buses, southbound services have one 'town centre' bus stop on Lemyngton Street; this is a longish walk, even for the physically fit carrying little shopping. There is nothing to indicate to a stranger that the bus stop is for Loughborough town centre. Inclusive Mobility, from the Department for Transport, offers guidance and indicates that 'bus use falls off sharply if the distance is more than 200 metres (250 metres for able bodied people)'. The Atkins Report commissioned by the Council states that 'The usual 'rule of thumb' for bus stop accessibility is a maximum of around a 5 minute walk, which equates to 400 metres. In town centre locations, this is usually halved to 200 metres.' The Lemyngton Street bus stop is therefore too far away. Mr Hill questions how access is gained to the railway station bus stops.

112. The funding bid outlined that a one year trial of buses through the Market Place would be carried out. The AECOM report notes that the choice should be either to run a new ETRO of option A or B or to retain the current arrangement (option C). It is advised not to adopt either option A or B as a permanent scheme without a new ETRO.

Written Representations in opposition**Emily Ash**

113. Ms Ash is not in favour of pedestrianisation as she considered it was more beneficial when cars and pedestrians were able to pass by the shop. She also refers to issues of delivery drivers being unable to work out where they can park so as to deliver goods. Consequently Ms Ash has had deliveries to her home address and struggled to bring goods to the shop in her own car. Ms Ash would welcome the return of traffic.

Marjorie Marlow

114. It is claimed that traffic congestion has multiplied since the pedestrianisation of the High Street. Although pollution levels may be down in the town centre concerns are raised in relation to other roads.

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115. Ms Marlow points out that her mother used to enjoy shopping in Loughborough but since the bus stops are not centralised for her route she finds it a mammoth task to walk to the bus stops with her walking aid.

Kel Prince

116. Kel Prince considers that buses should pass through the town centre where they are more convenient for bus passengers. This might have the effect of restoring the use of shops which is understood to have dropped since the IRR was opened. The point is made that cars and buses do not mix well and bus users are forced to use Church Gate and cross the road resulting in car traffic having to constantly stop at the pedestrian crossing.

Penny and Stuart Ward

117. As landlords of three small retail shops their long term tenants have not seen any increase in trade since the construction of the IRR and pedestrianisation; they report a massive reduction in footfall and sales. Loyal customers, now lost, are unable to conveniently get across town due to the relocation of bus stops and highway confusion. The town has become an unattractive destination.
118. Although P and S Ward and their tenants are BID members they do not support the decision of the executive board and do not support permanent pedestrianisation. BID claim an increase in footfall in parts of the town of 10% this Christmas (2015) on last but there is no footfall count for previous years. BID state that people will get used to it but it is suggested that people have got used to it and have gone elsewhere.
119. At best a trial allowing buses to cross the Market Place is sought which would reinstate shopping convenience.

John Catt (Campaign Officer, Loughborough and District Cycle Users' Campaign (LDCUC))

120. LDCUC believe that cycles should not be prohibited from traversing between High Street and Swan Street; there is no justification for preventing cycles. Cyclists will avoid contact with anything as this is likely to cause the cyclist to fall off. In the unlikely event of a collision the cyclist is more likely to come off worse. Disability scooters are allowed access and these provide a greater threat to pedestrians than cycles. Cyclists can interact far more harmoniously, even in crowded conditions, than is often thought. People who are frail or suffer sensory or mobility impairments are often understandably reluctant to share space with cyclists. Trials usually prove that cyclists rarely put any pedestrian in a hazardous situation. Codes of practice, backed up as required by policing, are preferable solutions rather than undermining the promotion of safe cycling for fear of actions of a minority.
121. Where cyclists share space with pedestrians it should not be assumed that conflict will be a problem; perceived conflict is often much worse than real conflict. The majority of pedestrians are not too concerned about shared use and those who object are a minority voice.
122. LDCUC refer to the Department for Transport Local Transport Note 2/08, Cycle Infrastructure Design (October 2008) at paragraph 4.3.4 which advises that whilst it may be contentions to reintroduce cycling into vehicle restricted areas

these are often prime destinations where good cycle access is required. Serious consideration should be given to retaining cycle access. Traffic conditions on unrestricted routes may be unattractive to cyclists and the routes can be indirect. Maintaining formal cycle access needs to be considered against the likelihood of cyclists using the restricted area regardless of restrictions.

123. A Traffic Advisory Leaflet, published by the Department of Transport in 1993, summarised research from the Transport Research Laboratory on cycling in pedestrianised areas and states that:
- i) Observations revealed no real factors to justify excluding cyclists from pedestrianised areas.
 - ii) A wide variety of solutions exist to enable space to be used safely and effectively in pedestrianised areas.
 - iii) Pedestrians change their behaviour in response to motor vehicles and not cyclists. Cyclists respond to pedestrian density, modifying speed, dismounting and taking other avoiding action where necessary.
 - iv) Collisions between cyclists and pedestrians were very rarely generated in pedestrian areas.
 - v) Where there are appreciable flows of pedestrians or cyclists, encouragement of cyclists to follow a defined path aids orientation and assists effective movements in the area. At lower flows, both users mingle readily.
124. LDCUC do not believe that an economic case has been made for banning cycles and buses. LDCUC advocate a 6 month trial allowing cycles and buses so that a proper comparison could be made. It is also considered that people with disabilities use buses and cycles and that these have been adversely affected and discriminated against.

Mr R Emens

125. Mr Emens supports two way bus traffic. Before the pedestrianisation he could use the Skylink and get off the bus outside Tesco to do his shopping. To return to Hathern it was only necessary to cross the road to catch the return Skylink bus. He now has to use the bus stop at Regent Place which involves crossing a six lane road and crossing the entrance to the Tesco car park. For the return journey he has to do the reverse, with two more road crossings, to reach the northbound bus stop at Regent Place. Mr Emens refers to undertaking this with two heavy bags of shopping and the prospect of getting wet.

Mr Moss

126. Mr Moss opposes the ban on buses through the Loughborough town centre. He says that many elderly people are not so mobile and require bus stops closer to the town centre. The bus stop at the eastern end of Market Place provided such a facility. Mr Moss refers to the West Bridgford pedestrianisation scheme where buses are permitted but cars are banned.

Miss M A Robinson

127. Miss Robinson makes the point that the Lemyngton Street bus stops are too far away from the town centre for the elderly and infirm to walk. She refers to

the latest option proposed by the bus companies although this is against the pedestrianised layout.

Inspector's Conclusions

128. My conclusions are based on a full and careful consideration of the evidence presented at the inquiry and all the submissions and representations. The reference to earlier paragraphs, where appropriate, is given in square brackets [].

Main Issues

129. The main issues are whether or not each Order is made for a qualifying purpose and whether any disadvantages which would arise as a result of each Order would be outweighed by the advantages which would be conferred by it.

130. The Council state that the ETROs have been made to facilitate the safe passage by pedestrians on town centre roads and to improve the amenity of the area through which the roads run. The Orders therefore fall within section 1(1)(c) and (f) of the 1984 Act. There is no dispute that the Orders are made for a qualifying purpose and provide for restrictions as set out in Section 2(2)(a)(b)(c)(d) of the 1984 Act.

Reasons

131. The Cabinet report of 1 April 2014 stipulated that the success of the town centre pedestrianisation should be tested against a number of criteria, safety, ease of movement, public realm, bus services, economy and environment [26]. It is convenient to consider the ETROs under these headings, I consider separately the issues relating to cycling, the objection of Mr Modi and the Equality Act 2010.

Safety

132. Evidence from the Council [28] indicates a significant reduction in casualties in relation to the section of the former A6 between Barrow Street and Bridge Street. The pedestrianisation has eliminated all potential risk of collision between vehicles and pedestrians during peak periods in the pedestrianised area. Whilst there remains a risk between 4 pm and 10 am any risk is significantly reduced as during this period it is expected that there will be fewer pedestrians and vehicular movements will be restricted to access only.

Ease of movement

133. The pedestrianisation provides unfettered access over an area previously severed by the former A6 which carried substantial volumes of vehicular traffic [14]. Some 20,000 daily pedestrian movements over the A6 were effected by three pedestrian crossings. The pedestrianisation links pre-existing pedestrianised areas and BID note a significant rise in footfall between the Market Place and Church Gate and Biggin Street [67]. Many of the supporters make reference to the ability to walk freely without having to have regard for cars and buses.

134. The pedestrianisation provides a pleasant area which the public can move around freely between the various frontages and provides a major benefit to the

town centre. It is also noted that the surface is level thereby facilitating access for those with mobility issues in particular wheelchair and mobility scooter users.

Public realm

135. The Council refers to the AECOM report which recognises that the assessment of the public realm is subjective [29]. AECOM have used the Pedestrian Environment Review System which is an approved methodology that promotes objectivity [29]. The results show that full pedestrianisation scores highly when compared to other options [29] and the situation which prevailed when the A6 passed along Swan Street. A number of supporters state that the town centre, following pedestrianisation, is enhanced.

136. In my view the pedestrianisation provides a significant area which is free from use by traffic between the hours of 10 am and 4 pm. Outside of these hours the conflict between vehicles is greatly reduced. Pedestrians will not need to be concerned about the use of the area by buses which would be the case if options A and B [21] were to be pursued. The pedestrianisation provides a very pleasant town centre environment and as noted by BID opens up options for the holding of events in the town centre [70].

Bus Services

137. Both Kinchbus Ltd and Arriva have withdrawn their objections. However, the Council is considering a number of mitigation measures to address concerns raised by these bus companies (appendices U and V). The mitigation measures relate to the use of High Street and Baxter Gate by unauthorised vehicles, pedestrian signage, passenger/public information, traffic congestion and the Lemyngton Street bus shelters. The Council is further committed to ensuring Kinchbus Ltd are consulted on all traffic survey work (as set out in appendix V).

138. The ETROs remove buses from Swan Street and Market Place and result in the relocation of a number of bus stops. The Council will be aware that, whilst options A and B [21] provide for the continued passage of buses through the central area of Market Place and Swan Street, all the three options considered by the Council involve the removal of bus stops from this area.

139. Whilst the repositioning of the bus stops amounts to some inconvenience to bus users, with the exception of the bus stop on Lemyngton Street, the additional walking distances do not amount to any significant increase. The bus stops continue to provide good access to key town centre destinations when compared to car parking facilities [36]. As regards Lemyngton Street, it is accepted that for the southbound services [34] using these stops there will be a greater inconvenience to bus passengers when accessing the town centre; it may be the case that some of those passengers will no longer visit the town centre. This amounts to a disbenefit. Nevertheless the Lemyngton Street bus stops do maintain access to the town centre and provide easy access to Church Gate and Biggin Street which provides access to The Rushes. The Council may wish to note that some bus passengers have not realised that the Lemyngton Street stop is a town centre stop [98] and that there is nothing to indicate that it is a town centre stop [111].

140. In terms of service provision to and from Loughborough, there have been changes to some services [35] but the town centre continues to be well served

by public transport from the surrounding areas. Kinchbus service 5 no longer goes to the hospital grounds and whilst it is suggested that the pedestrianisation was the reason for Kinchbus Ltd stopping this service [49] the Council say [37] that the service has not proved as popular. Given the conflicting information I am unable to reach any conclusions as to the reason why the service no longer goes to the hospital grounds. Paul Winson service 4 was withdrawn in December 2015 although largely replaced by another service. Any other changes to the timetables have been in relation to frequency. Whilst there have been changes to the bus services I do not consider that this has had a detrimental effect on the overall service provision.

141. As regards connecting services, whilst the repositioning of the bus stops may result in more inconvenience when accessing such services I have no evidence before me to show that any inconvenience will be significant.
142. Although Kinchbus Ltd initially raised concerns regarding the continuance of cross town services, these services remain in operation [30]. Concerns were also raised in respect of congestion affecting the reliability of the bus services. In this respect, the removal of bus traffic from the town centre means that through bus traffic is not affected by the 20,000 pedestrian movements which would have an effect on the movement of buses through any pedestrianised area. Further, the IRR provides a purpose built route for through bus traffic. It nevertheless appears that there have been signalling issues on the IRR and linked roads which has caused congestion and has had an effect on reliability [50]. The Council envisage that the system will be running effectively from January 2016 [50].

Economy

143. The Council do not say that the pedestrianisation has clearly caused economic gains but suggest that there is no reason not to continue with full pedestrianisation [42]. Some of the objectors consider that business has declined.
144. Car park data suggests Loughborough is an attractive destination with usage levels at their highest for 5 years [38]. However, no information is available as to whether the increased use of car parks is in consequence of a shift from bus transport. It is possible that in consequence of the changes to bus stops, in particular at Lemyngton Street, some members of the public will have been deterred from visiting the town centre by public transport and now choose to drive to the town; it may also be the case that some are deterred from visiting the town centre altogether. Nevertheless, the AECOM report (figure 6.6) shows, from a survey in July 2015 that a significant number (47%) travel to the town centre by bus. The report accepts that the number of those travelling to the town centre by bus may have been overstated but maintains that bus users account for a large proportion of those in the town centre.
145. Evidence from BID who monitor footfall and vacancy levels suggests that, in contrast to national trends, footfall is increasing [79] and vacancy rates are falling [75]; vacancy rates are the lowest since BID started monitoring vacancy rates in 2012. The AECOM report (figure 4.5) indicates that 48% of those surveyed considered that the town centre was quieter than one year ago. In contrast 20% thought that the town centre was busier and 32% thought the town centre was as busy. There is little difference in the percentage of businesses who consider the town centre to be quieter and those who consider

the town to be as busy or busier. The evidence from the AECOM survey is in my view inconclusive.

146. Mr Leader has interviewed some 450 people [108] and, although I have not seen all the responses, it is suggested by Mr Leader that those interviewed did not think that trade had improved since pedestrianisation and did not foresee an improvement. In the absence of details of the full responses it is difficult to give the evidence of Mr Leader any significant weight. In any event, whilst some objections have been raised by local businesses, who suggest a decrease in business [113 & 117], there are relatively few objections from retailers overall. The evidence of Mr Leader contrasts with the evidence of BID that suggests footfall is increasing and vacancy rates are dropping. It is accepted that footfall and vacancy rates do not directly equate to an increase or decrease in business but nevertheless the increase in footfall and decrease in vacancy rates does not suggest a town centre in decline.
147. It is difficult to reach any clear conclusions as to the effect of the pedestrianisation on businesses. Although not compelling, the indications from the increase in footfall and a decrease in vacancy rates is encouraging. There is nothing to indicate that the pedestrianisation has had a serious impact on the economy of the town centre.

Environment

148. Prior to pedestrianisation the levels of pollution were of such an extent that an AQMA was established in the inner area [16]. Whilst most roads within the AQMA met national targets by 2010 the target was not met on the A6 High Street [16]. Preliminary readings, since the implementation of the ETROs, suggest a large improvement in air quality at monitoring sites [44]. The improvement in air quality is a considerable benefit to pedestrians in the town centre. The reintroduction of buses would have an adverse effect on air quality although there is nothing before me to indicate whether any effect would be significant. It will be the case that traffic has been relocated, however, I have no evidence before me to suggest any reduction in air quality elsewhere is of any significance such that it has been reduced to an unacceptable level.
149. As regards noise, the AECOM report indicates (paragraph 7.4 page 44) that there is an improvement in the noise environment in the immediate vicinity of Swan Street. This is in contrast to noise levels on the former A6.

Cycling

150. The Movement Order prohibits cycling between 10 am and 4 pm, outside of these times there will be unfettered access through the section of Swan Street which has been pedestrianised. Given that access was previously available along the former A6 the Movement Order restricts access and introduces a disbenefit in relation to cycling. However, there will be no restrictions between 4 pm and 10 am when cyclists will be able to use a route free from vehicular traffic other than those vehicles gaining access. In my view this amounts to a significant benefit and provides a safe route with little vehicular traffic. It is of note [28] that in the period 2000 to 2005 three quarters of casualties on the section of the A6 now pedestrianised were pedestrians and cyclists.

151. Between 10 am and 4 pm, although cycling will be prohibited, cyclists will be able to walk through the pedestrianised area. This section is 90 metres in length and, whilst this may increase journey times, there is nothing to suggest that this amounts to any significant increase. I note that some cyclists with disabilities may not be able to walk through the pedestrianised area and again this amounts to a disbenefit for some cyclists.
152. I note the concerns of the Council [45], however, they may wish to consider the evidence from LDCUC [120-124] which suggests that any risk is low and can be minimised by appropriate management. The Council may wish to examine whether any improvements can be made in respect of cycling provision.

Mr Modi

153. The objection from Mr Modi does not specifically identify the ETRO to which it relates. I concur with the view of the Council that the objection relates to the Movement Order [52]. Whilst I note the concerns of Mr Modi, which also appear to relate to some of the adjacent premises [97], a loading bay has been provided directly outside the Mr Modi's premises. This in my view provides a convenient facility and, although Mr Modi has been issued with parking tickets, the bay provides for the lawful loading and unloading of goods.
154. The Movement Order does prevent the movement of his vehicles from Mr Modi's private car park between the hours of 10 am and 4 pm and Mr Modi seeks dispensation for him and others to drive a vehicle through the pedestrianised area. However, a dispensation to use the pedestrianised area would in my view seriously undermine the pedestrianisation and could easily lead to misuse by others.
155. Overall, whilst Mr Modi may need to adjust his movements to comply with the Movement Order I do not consider that any disbenefits are significant. The provision of a loading bay to the front of the premises is adequate for the loading and unloading of vehicles.

Equality Act 2010

156. Section 149 of the Equality Act 2010 establishes a general duty on public authorities to have due regard when carrying out their functions to the needs to eliminate conduct prohibited under the 2010 Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not. As regards any impact on those with a protected characteristic it is necessary to have due regard. In having due regard it is not necessary for any provision to be enhanced or that there should be a similar level of provision. Where there are disbenefits this needs to be considered in the overall benefits of the scheme.
157. Although it is suggested that no Equality Questionnaire was completed in relation to full pedestrianisation [100] the Council have confirmed [59] that an Equality Impact Assessment Tool was used in 2013 to review the impact of proposals for the town centre; this included the exclusion of bus flow through Swan Street. The review concluded that the scheme was positive and that a full Equality Impact Assessment was not required.
158. The Council accept that, whilst the ETROs do not provide the best outcome for all of those with disabilities, due regard has been given to those with disabilities;

overall the outcome provides considerable benefits. In my view, there are disadvantages, particularly in respect of the Lemyngton Street bus stop. However, the pedestrianisation will have considerable benefits for others with disabilities. The disadvantages need to be considered against the benefits of the overall scheme.

Overall Conclusions

159. The pedestrianisation of the Loughborough town centre is a key feature of the Loughborough Town Centre Transport Scheme supported by £14.760m of funding from the Department for Transport. The pedestrianisation has been a long term aspiration of Leicestershire County Council and Charnwood Borough Council.
160. The ETROs provide for the pedestrianisation of part of Swan Street and Market Place with the removal of vehicles. Exceptions allow for access for the loading and unloading from vehicles and for access by cycles at certain times. The pedestrianisation joins pre-existing pedestrianised areas resulting in the effective pedestrianisation of the whole of the town centre. Prior to the pedestrianisation these areas were severed by the former route of the A6 which presented safety and air quality issues for pedestrians. Access between the previously pedestrianised areas was by three pedestrian crossings over the A6 which restricted access and, given the number of pedestrian movement's, would have contributed to traffic congestion. All traffic, other than vehicles gaining access at certain times, has been relocated to use the IRR, a purpose built relief road.
161. The ETROs allow unfettered pedestrian access over the pedestrianised area free from vehicles for the majority of the day. Whilst some vehicular access is permitted between 4 pm and 10 am the risk of conflict between pedestrians and vehicles is significantly reduced. The ETROs have greatly enhanced pedestrian safety and have resulted in improved air quality. The pedestrianisation has resulted in the creation of an extremely pleasant public area for shopping and other activities with increased opportunities for events to be held in the town centre.
162. Although the economic benefits to the town centre are not clearly apparent there is nothing to indicate that the ETROs have had any significant adverse effect on the economy. The evidence of increased footfall and decreased vacancy rates suggests that the overall economy of the town centre is improving.
163. It is accepted that there are disadvantages particularly in consequence of the relocation of bus stops. However, with the exception of the Lemyngton Street stop I do not consider that any disadvantages are significant. In respect of the Lemyngton Street bus stop, the disadvantages are more significant particularly for those with disabilities. There are also disadvantages for cyclists in that they will be unable to make the through journey along Swan Street to the High Street other than between 4 pm and 10 am. Outside these times it is possible to walk through the pedestrianised area although this will not be an option available for cyclists who are unable to walk. For those unable to walk, or those with walking difficulties, the disadvantages are more significant but for those who are able to walk I do not consider that any disadvantages are significant.
164. As regards the objection of Mr Modi, whilst his business will be subject to access restrictions for vehicles, provision has been made, in the form of a loading

bay on Baxter Gate, for loading and unloading. Although there are disadvantages I do not consider that these substantial.

165. Having regard to the above, and all other matters raised at the inquiry and in the written representations, I take the view that, on balance, any disadvantages arising from the ETROs are not of such significance so as to outweigh their benefits. I conclude that the ETROs should be made permanent.

Other Matters

166. The Council may wish to note a number of representations in relation to the enforcement of the ETROs. Representations are also made in respect of problems arising during the works to pedestrianise the town centre, the provision for cyclists on the IRR and traffic issues on the IRR. Mr Leader raised concerns as to the existing surfacing on the part of the Market place which was previously pedestrianised. These are not matters for my consideration in making my recommendation.

167. Concerns are raised in respect of the bus shelters in the town centre and the provision of information. These are not matters for my consideration but the Council indicated that it was receptive to suggestions for improvement. Concerns were also raised in respect of consultation and methods of consultation. Whilst I note these concerns the Council has carried out extensive consultation in respect of the proposals for the town centre and the ETROs. The Council confirmed that all statutory requirements have been complied with; this includes consultations required in consequence of the making of the ETROs.

168. BID refer to a review of the regulatory regime across the whole of the Market Place but accept that this is not part of my remit. I was also referred to other schemes in the area (Hinckley, Wigston and West Bridgford). Whilst I note these schemes my recommendation must be based on the criteria set out in paragraph 129 and 130 above.

Recommendations

169. I recommend that *The (Various Roads, Loughborough, Borough of Charnwood) (Imposition of Waiting and Loading Restrictions) Experimental Order 2014* and *The (Various Roads, Loughborough, Borough of Charnwood) (Various Restrictions of Movement and Contra-Flow Cycle Lane) Experimental Order 2014* should be made permanent.

Martin Elliott

Inspector

 APPEARANCES
Leicestershire County Council:

Mr R Langham	Of Counsel, instructed by Leicestershire County Council
who called	
Mrs A Ducker	Senior Engineer, Design and Delivery Section, Leicestershire County Council

Also in support of the Orders:

Mr J Hale	Love Loughborough, The Loughborough Business Improvement District
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In opposition to the Orders:

Mr T Kirby	Chairman, Campaign for Better Transport (Leicestershire)
Ms R Youngs	
Mr R Haycock	
Mr B Leader	Market Trader
Mr P Southwood	
Mr R Hill	CTC Right to Ride for Leicestershire

Documents handed in at the inquiry

- 1 Opening Submissions from Leicestershire County Council
- 2 Summary of bus services shown on Appendix Q
- 3 Representation from Miss M A Robinson
- 4 Representation from J E Smith
- 5 Email from Mr B Leader 15 November 2015
- 6 Amended statement of Ms R Youngs
- 7 Representation from Ms C Wheat
- 8 1:1250 scale plan of Loughborough town centre showing locations of bus stops
- 9 Closing Submissions for Leicestershire County Council

Documents submitted by Leicestershire County Council

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| 1 | Proof of Evidence of Mrs A Ducker |
| 2 | Summary Proof of Evidence of Mrs A Ducker |
| Appendix A | Loughborough Town Centre Pedestrianisation plan |
| Appendix B | Loughborough Bus Guide 2014 |

Appendix C	Loughborough Integrated Transport project Consultation Leaflet 2005
Appendix D	LTP2 Implementation Plan
Appendix E1	Loughborough Town Centre TRO 2009 Notice
Appendix E2	Loughborough Town Centre TRO 2009 Plan
Appendix E3	Loughborough Town Centre TRO 2009
Appendix F	Loughborough Town Centre TRO 2009 Plan - Experimental
Appendix G	Loughborough Town Centre Transport Scheme Consultation Leaflet 2013
Appendix H	Cabinet Report 1 April 2014
Appendix H1	Consultation Leaflet
Appendix H2	Consultation Report
Appendix H3	Consultation Leaflet (duplicate)
Appendix H4	List of Stakeholders
Appendix H5	Extract Option C
Appendix H6	Letter published in local press
Appendix H7	Letter published in local press
Appendix H8	Article published in local press
Appendix H9	Letter published in local press
Appendix H10	Response from Loughborough Market Traders' Association
Appendix H11	Response from Hastings Community Association
Appendix H12	Response from Kinchbus
Appendix H13	Response from Leicestershire Chamber of Commerce
Appendix H14	Response from Loughborough Town Team
Appendix H15	Response from Nicky Morgan MP

Appendix H16	Response from Arriva
Appendix H17	Response from Charnwood Borough Council
Appendix H18	Response from East Midlands Airport
Appendix H19	Response from BID Loughborough
Appendix H20	Response from Peter Lewis County Council Member
Appendix H21	Performance Criteria Summary Table
Appendix H22	BID meeting summary note
Appendix H23	Response (2) from Arriva
Appendix H24	Response (2) from Kinchbus
Appendix H25	Comment on Option C+ from Kinchbus
Appendix H26	Plan showing bus routing
Appendix H27	The case for trialling Option C
Appendix H28	Comments from Pedestrians First
Appendix H29	Email exchange with Mary Portas
Appendix H30	Equality Impact Assessment
Appendix H31	Scrutiny minute extract
Appendix H32	Comments from BID Loughborough
Appendix H33	Comments from Pedestrians First
Appendix H34	Loughborough Pedestrianisation Fact Sheet
Appendix H35	Loughborough Members response
Appendix H36	Charnwood Borough Council response
Appendix H37	Email exchange between Mary Portas & Jeff Counsell
Appendix H38	Statement by BID Loughborough
Appendix H39	BID Loughborough submission

Appendix H40	BID Loughborough how option C would work
Appendix H41	Comments by Liberal Democrat Group
Appendix I	ETRO Pre-Notification letter 2014
Appendix J	Bus Stop Relocation Leaflet 2014
Appendix K1	ETRO Consultation Letter 2014
Appendix K2	ETRO Consultation Plan 2014
Appendix L	ETRO Media Coverage
Appendix M	Cabinet Report 7 October 2014
Appendix M1	AECOM evaluation executive summary
Appendix M2	Experimental Traffic Regulation Order plan
Appendix M3	Pre-notification letter
Appendix M4	Consultation letter
Appendix M5	Consultation comments with officer response (Support)
Appendix M6	Consultation comments with officer response (Objections)
Appendix M7	Arriva objection
Appendix M8	Kinchbus objection
Appendix M9	HMS pharmacy objection
Appendix M10	Equalities and Human Rights Impact Assessment
Appendix M11	Comments to Cabinet
Appendix N1	ETRO – Waiting Restrictions
Appendix N2	ETRO – Bus Lane Restrictions
Appendix N3	ETRO – Moving Traffic Restrictions
Appendix O1	LIRR TRO – Moving Traffic Restrictions
Appendix O2	LIRR TRO – Waiting Restrictions

Appendix P	AECOM Bus Trial Evaluation, Final Report (Dec 2015)
Appendix Q	Loughborough Bus Guide November 2015
Appendix R1	ETRO Consultation Summary - Objections
Appendix R2	ETRO Consultation Summary - Support
Appendix S1	Arriva Objection
Appendix S2	Kinchbus Objection
Appendix S3	HMS Pharmacy Objection
Appendix T1	Letter to Kinchbus following Cabinet decision
Appendix T2	Letter to Arriva following Cabinet decision
Appendix T3	Letter to HMS Pharmacy following Cabinet decision
Appendix U	Proposed mitigation letter to Kinchbus
Appendix V	Proposed Mitigation Letter to Arriva
Appendix W1	Objection withdrawal letter - Kinchbus
Appendix W2	LCC Confirmation of Objection withdrawal – Kinchbus
Appendix W3	Objection withdrawal letter - Arriva
Appendix W4	Objection withdrawal Acknowledgement letter - Kinchbus
Appendix X1	Meeting with HMS Pharmacy
Appendix X2	Telephone Conversation with HMS Pharmacy
Appendix Y	ETRO Representations

Representations of opposition in response to the inquiry notice

- 1 Ms E Ash
- 2 Ms M Marlow
- 3 K Prince
- 4 Mr T Kirby on behalf of Campaign for Better Transport
(Leicestershire)
- 5 Mr R Hill CTC Right to Ride for Leicestershire
- 6 Ms R Youngs
- 7 Ms P and Mr S Ward

- 8 Mr R Haycock
- 9 Mr J Catt Loughborough and District Cycle Users' Campaign
- 10 Mr R Emens
- 11 Mr C Moss
- 12 Miss M A Robinson (see inquiry documents handed in at the inquiry)

Representations of support in response to the inquiry notice

- 1 Mr P Fricker
- 2 Ms J Strong
- 3 Mr I Farnfield
- 4 Mr B Wall
- 5 Ms J Warwick
- 6 Mr P Tomkins
- 7 Ms H Puttick
- 8 Mr D Lowndes
- 9 Mr R J and Mrs M Baker
- 10 Dr S J Bullman for Storer and Ashby Area Residents' Group (SARG)
- 11 Mr N Ball
- 12 Rt Hon Nicky Morgan MP
- 13 Love Loughborough – The Loughborough Business Improvement District (BID)
- 14 Ms C Wheat (see inquiry documents handed in at the inquiry)
- 15 James E Smith (see inquiry documents handed in at the inquiry)