

**INVESTIGATION & REVIEW SCRUTINY COMMITTEE  
27TH JANUARY 2010**

**ITEM 8      REPORT OF THE INVESTIGATION AND REVIEW SCRUTINY  
PANEL ON LOUGHBOROUGH UNIVERSITY ENTRANCES  
AND PARKING POLICIES**

**1. Introduction**

The Panel was initiated following the receipt of a petition by Cabinet. The petition came from a group called Swamped by Cars (SbC) which represents residents in an area abutting the university's perimeter. The group's concern was the parking problem caused, as they saw it, by staff and students' cars on residential streets; their petition outlined a number of proposals which they believed would control and remove the problem.

Coincidentally, Leicestershire County Council Highways Department carried out a West Loughborough Parking Study that covered the area at issue in SbC's petition along with all the residential areas around the perimeter of the university and college campuses.

**2. Terms of Reference**

The Panel decided that the areas at issue were all those around the university and college campuses, in particular those near each entrance to the site (not just the area of concern to SbC).

The approach was to test the viability of all the proposals put forward by SbC, along with some additional issues suggested by the Investigation and Review Scrutiny Committee.

The Terms of Reference were as follows:

1. Work with the University to agree an outright ban on students having a car within Loughborough apart from those with special needs;
2. Require the University to keep a register of all staff and student vehicles with which to monitor and enforce local parking conventions;
3. Require the University to scrap internal rules banning students living within 2 miles of the University from parking on the campus, causing them to seek parking in surrounding streets;
4. Use Section 106 of the Town and Country Planning Act to stop staff and students parking in unapproved areas;

5. Increase the scope of the University bus service and other green transport solutions;
6. When possible, place a car ownership limit on each rented property within Loughborough;
7. Review the University entrances with a view to securing the permanent closure of those at Ashleigh Drive and Spinney Hill Drive;
8. Review pedestrian safety around pedestrian access points and their hours of opening;
9. Require the University to provide more pay and display parking on campus;
10. Investigate the effects of building on campus land which was previously car parks;
11. Investigate the viability of Charnwood Borough Council exerting influence to help alleviate parking problems in the vicinity of the University campus;
12. Investigate the viability of the Panel submitting information to Leicestershire County Council's Highways Forum for Charnwood's West Loughborough Parking Study.

### **3. Methods**

The Panel agreed that witnesses would be invited to attend meetings of the Panel; they would present evidence in respect of the proposals put forward in the Terms of Reference and in general, and would be subject to challenge by members of the Panel.

The witnesses were representatives from: Swamped by Cars (twice, at the first and penultimate meetings), Leicestershire County Council's Highways Department, Charnwood Borough Council's Planning Department, residents' groups from all the areas around the University and College campuses, Loughborough and District Cycle Users' Campaign, the Students' Union, the College and the University.

The Panel was: Councillors David Goss, Jane Hunt, Ken Pacey, Pauline Ranson, Jill Vincent (Chair) and David Walker. Councillors Goss, Hunt, Vincent and Walker represent wards with campus boundaries. Dave Hankin gave technical support and Mike Hooper provided administrative support. It should be noted that Panel meetings were held in private session, as per the Council's Scrutiny Witness Charter guidelines.

A substantial amount of evidence was provided, including details of the West Loughborough Parking Study, information about action taken by other

Universities in towns/cities with similar problems with cars and parking, the planning and policy background and submissions from witnesses.

The Panel was to test the viability of the proposals and evidence put to them. To that end, the investigation checked the evidence, for example, by contacting the universities that were cited in specific recommendations, by probing certain claims in depth and by comparing different views and interpretations.

The Milestones and Minutes and background papers are all publicly available documents. They may be consulted through Mike Hooper in Democratic Services.

A draft report was circulated to witnesses to provide them with the opportunity to check it for points of fact. The Panel has confirmed that individual and institutional evidence would be kept confidential as far as possible or appropriate.

The interpretation and recommendations put forward after extensive investigation and discussion are the responsibility of the Panel.

#### **4. Context and Overarching Considerations**

The Panel realised that broad, overarching policies and circumstances provide the context in which issues of cars/traffic and parking must be understood. We think the following are the most relevant:

1. Section 106 Agreements are a means by which particular provision or constraints may be applied to new developments. Such agreements are precisely that, and must be agreed and not imposed. They cannot be applied retrospectively, but must be agreed at the time that the planning application is discussed and receives permission. For the past four or five years, all newly-built and newly-developed student accommodation has been subject to No Car Agreements.
2. Government policy is articulated through PPG13: Transport (March 2001) which seeks to integrate planning and transport so as to: promote more sustainable transport choices for people and freight; promote access to jobs, shopping, leisure and services by public transport, walking and cycling, and reduce the need to travel, especially by car. It is a key instrument in the response to climate change, environmental and transport sustainability and dependency on travel by car. It introduces measures that discourage the use of private cars, including the reduction of availability of car parking and the encouragement of alternative, sustainable means. Organisations such as the University, College and local businesses are encouraged, and where necessary in order to mitigate the impact of development, required to institute Green Travel Plans which include upper limits on car parking (on a per capita basis) and encouragement to staff, students and visitors to use walking, cycling and public transport.

3. Human Rights legislation precludes the introduction or use of constraints that apply only to a particular, named group – in this case, students, among all drivers. That is to say, any measures introduced must not be discriminatory in respect of a specific group. Article 14 prohibits discrimination against individuals because of their race, religion, sex, political views or any other personal status. Under Article 1 of the 1st Protocol a person has the right to the peaceful enjoyment of their possessions. Public authorities cannot usually interfere with things people own or the way they use them; this means that students can use their cars like all residents and drivers. The issue also concerns proportionality in any response to a problem: if the aim is to stop students (or staff) from parking illegally, then the means of control must be proportionate to that aim. In this instance, abuse of parking restrictions by some students could not be tackled through a ban on all students, because that would be disproportionate.
4. The West Loughborough Parking Study investigated parking concerns at a variety of residential locations in the vicinity of the University and College campuses. There was broad support for the proposition that measures might be imposed by both the County Council and the University together to manage on-street parking. Various on-street parking control options were put forward, including No Waiting at Any time (double yellow lines), Limited waiting bays, Residents' Preference Permit control and Residents' Only Permit control. Recommendations have been made for specific measures according to the needs of the particular area and residents' feedback. It is likely that a variety of measures will be deployed according to local circumstances.
5. University Ordinances are the rules governing student behaviour. They are demanding in the standards set: for example, a student may be reprimanded for bringing the University into disrepute.
6. At the risk of stating the obvious, but as a useful reminder, we point out that any change in traffic quantities and flows and in the availability of parking places and spaces has knock-on effects elsewhere. Traffic engineers produce sophisticated models to show these effects, but we merely state that the problem must be considered in the round so that changes and constraints introduced in one area do not have unintended and/or detrimental effects elsewhere. That is to say, so that parking controls in one area do not displace cars onto other roads and produce yet another group of disgruntled residents.

## **5. Evidence and the Terms of Reference**

Readers should recall that our task was to test the viability of the proposals in the Terms of Reference.

Here we set out the evidence that was presented to us. We offer no judgement as to its correctness.

Our judgements, discussion and arguments on validity and priorities are outlined in Section 6: Discussion of Evidence and Key Issues and Recommendations.

**1. Work with the University to agree an outright ban on students having a car within Loughborough, apart from those with special needs.**

- Loughborough, along with Durham and Canterbury, has the highest ratio of students to total population of the town. The development of rented housing for students has had notable effects in particular areas; not only the areas around the University, but large areas of the town are affected by an excess of cars, parking and volume of traffic. The campus and facilities in the town are, in fact, within easy cycling and walking distance for all residents and particularly for those in the areas of concentration of houses rented to students.
- Other Universities forbid or restrict the use of cars. Mostly this applies to the campus, but ordinances at Cambridge, Durham and Bath prevent students from bringing cars into the town except with permission. For example, Cambridge bans students from keeping a car within a ten-mile radius of Great St Mary's Church except with a special licence; Durham bans student cars on the campus and in the City except with a licence issued by the University (this was introduced following a review by Durham County Council of the Road Traffic Reduction Act 1997; the University assented to the Council's request).
- Human rights can be restricted if it is necessary to protect the rights of others or in the interests of the wider community, as is the case with University car parking in residential streets.
- The University has the power to change its Ordinances as it wishes, and could use regulations to restrict students bringing cars to the town.
- The University should be aiming for almost all people who access its facilities to travel on foot, by cycle or using public transport. This would mitigate the environmental and traffic aspects associated with the University's growth and provide an example of how society can develop without reliance on the car.
- The University is following planning legislation with travel plans and reduction in the number of cars accessing and parking on the campus. However, a ban on on-site parking on the campuses merely displaces the problem onto nearby streets, leaving local residents and local authorities to clear up the mess.

- Section 106 No Car Agreements are used for recently built or developed student accommodation. including some redeveloped accommodation. The success of these is disputed.
- Students' use of cars merely mirrors that of wider society: they seek the easiest and cheapest solutions to travel and to parking. What is required is behaviour change on the part of all citizens, which is a major task.
- Students are residents of Loughborough, albeit temporarily, and should be treated as such. Practical solutions to traffic and parking in town and on campus, such as buses and cycling, should be sought on the basis of evidence, not on the basis of the nature of a particular group of users.
- Students should be able to exercise their right to obtain and enjoy their education.
- A ban on students' cars would be discriminatory under Human Rights legislation and could not be supported by the public authorities. It would be legally unsustainable. Use of the sleight of hand naming of 'people who do not pay Council Tax' would fool no-one.

**2. Require the University to keep a register of all staff and student vehicles with which to monitor and enforce local parking contraventions.**

- This is done at Durham University.
- An outright ban is a 'big ask', and a register would be an interim second best. Registration should include a disc to be displayed for identification purposes; University Security would identify students and staff breaking parking rules.
- An extension of the registration scheme would be cars licensed to an address; the number of cars allowed would vary according to the housing type (eg none for flats and terraces), but would not exceed two per house on environmental and social grounds.
- It should be noted that the College and the University have different staff and student bodies. The College has full-time and part-time staff and students; the majority of students are aged 16-18, with a minority 19+. University staff and students are mostly full-time; the majority of students are 18/19+, and there is a substantial number of post-grads.
- Both the University and the College operate parking permit schemes. Both charge for permits.

- The College issues permits to park on campus, generally to all staff and to students who live beyond LE11. The charge is £25 pa fro all. There are more permits than parking spaces; wardens allow cars on to the campus only if they have a visible permit. Bus passes are issued at £180 pa, with a £60 contribution for hardship.
- The University also issues permits to all staff and to some students. At present, the charges are £60 for staff (£30 for part time), £120 for students in hall, £60 for students off campus and £60 fro students at evenings and weekends only. Charges are under review and may be increased so as to discourage car use.
- The University does not normally issue parking permits to students in their first year or who live within two miles of the campus.
- The University and College issue substantial travel advice, information and encouragement to use green transport. This includes bus timetables, bus pass schemes, cycle routes, stands and showers. The University also has a scheme to help staff lease and subsequently buy bikes.
- Previous attempts by the University to control off-campus parking by reporting students' cars to the police were thwarted by the DVLA refusing to divulge information on the grounds of data protection: the Police, Borough and County Councils can get this information, but the university can't. In addition, data protection legislation prevents the authorities from sharing the information.
- For registration to be successful, the University would need to share the data with the Borough Council so that they could act in partnership in respect of cars parked where they shouldn't be, and cars whose owners are contravening No Car agreements. It would also depend on the introduction of appropriate parking controls in surrounding streets. The University would be able to monitor and enforce regulations in respect of on-street parking in streets next to the University.
- The University faces three areas of difficulty in respect of registration: human rights; data protection; and consumer protection. The requirements of these could be met so long as the scheme applied only to students' cars (it would be disproportionate for staff); and it was known and understood from the outset as part of the contract between the University and a student.
- Considerable disquiet was expressed about the gathering and sharing of information about students. The fear is that: data can be misused; it applies to just one particular group; its value is not clear because parking contravention could be enforced without such a register; students could avoid it and not register their vehicle; enforcement

would be costly and resources could be put to a better use; and it would be of doubtful legality.

**3. Require the University to scrap internal rules banning students living within 2 miles of the University from parking on the campus, causing them to seek parking in the surrounding streets.**

- The University bans first year students and certain students living in the town from bringing cars onto the campus except under particular circumstances. However, this is unregulated and so it merely displaces the problem onto its neighbours. The University avoids its responsibility for student cars and passes it to the town.
- The University should undo its ban so that it experiences the problem directly, thus concentrating the mind and ensuring it will be controlled.
- The College does not issue permits to students living in LE11. It issues more permits than it has parking places.
- Regulation will depend upon the introduction of strong and appropriate parking controls in the areas surrounding the campuses and also in areas of student accommodation. The type of control will differ according to the area. Enforcement is key.
- Relaxation of the ban by the University would encourage car use, which is against broad policy aims. It would be foolish because it would be inconsistent with PPG13 and strategies to limit cars.
- Students may wish to keep a car in Loughborough for uses other than daily travel to the campus. For example, students' family homes may be at a considerable distance and they need to transport themselves and their possessions regularly. Students living in town mostly walk to the campus, but they need to shop for a household and take leisure and may use a car for that.

**4. Use Section 106 of the Town and Country Planning Act to stop staff and students parking in unapproved areas.**

- This is a useful power that the local authority should use more. There are several instances operating already in Loughborough, and many examples of good practice in the UK – such as Reading, Warwick and Surrey Universities.
- The use of Section 106 is limited to the powers it confers: it has to be a negotiated agreement, entered into at the time that permissions for the building/development are granted; it cannot be applied retrospectively; it must be amenable to enforcement. CBC is using No Car agreements as standard for all student developments and the university has

voluntarily introduced a similar agreement for some halls of residence; such agreements have been accepted as normal for developments made over the past four or five years.

## **5. Increase the scope of the University bus service and other green transport solutions.**

- Green travel should be extended so as to diminish the attractiveness of own car use. Some Universities provide free bus passes to students and one (Leeds) even extends this to local residents.
- Green travel, the improvement of bus services and strong support for cycling would be needed. The bus service that serves the University campus at present is inadequate at peak times at the beginning of the day and lecture changeover. Also, the ticketing system is expensive (£1.10 per ticket) and unhelpful (a book of ten tickets saves 50p, but weekly passes and return tickets are not available). However, the narrow roads probably limit what can be done.
- The University bus service decreases when the students are not there, but the University is functioning virtually all year round with, particularly during the summer months, courses and conferences, exhibitions and other activities to ensure the use of the buildings. Also, international students tend to stay all year and the new Sports Park will operate all year round. The bus service should not decrease, but reflect the use of the campus all the year round.
- A scheme to encourage cycling is in development on the University campus; Cogz, the cycle shop there, has begun with some (we were told 25, but the number varies) bikes for hire.
- Students fear bringing their bikes to University because they are seen as a target for criminals: they say, don't bring it because it will be nicked, in particular if it is a good/expensive model. The Police do tackle this at Freshers' Week, with information and advice. It's a security issue.
- The College has encouraged the use of bigger buses; the advantage is that it is not a through route so the buses serve the campus only.
- Loughborough University and the local authorities should join with Sustrans to get students on their bikes. They should take the lead from Ucycle Nottingham, which is giving students the chance to: hire bikes for a nominal fee; take part in free training to boost their skills and confidence; get discounts on lights and locks etc; and gain advice from cycling experts. The project is working with the City Council and will also create new cycle routes. It is modelled on the successful UTravelActive scheme in Leeds.

- The University has a Green Travel Plan in place. This will continue to be developed and further improvements can be expected over time

**6. When possible, place a car ownership limit on each rented property within Loughborough.**

- See the proposal above for a registration scheme in which the number of licences issued would vary with accommodation type.
- This could run into the difficulties associated with other aspects of the proposals that focus on students as a named and differentiated group. That is, if the limit were applied to those rented properties that are occupied by students, then it would not be allowed under Human Rights legislation.
- This would be achieved through the use of conventional restrictions on households, such as residents' preference or residents' only parking schemes. This might be strengthened by the introduction of new restrictions in certain residential areas, allowing just one parking permit per household.
- CBC uses a Student Housing SPD to limit the proportion of student houses in any given area; this is justified as being in the interests of the wider community.

**7. Review the University entrances with a view to securing the permanent closure of those at Ashleigh Drive and Spinney Hill Drive.**

- These entrances are served by local roads that are not adequate in size, safety or access. They also attract staff and students who cannot park on campus to drive to the entrance and park in those streets.
- Many residential streets around the University have a Road Traffic Exclusion Order (RTEO) that 'Prohibits Motor Vehicles, except for access'. It does not forbid parking. Anyone who infringes the order is committing a Moving Traffic Offence; the RTEO can only be enforced by the Police, and drivers have to be seen to park and walk into the campus: this makes it difficult to enforce, though residents have used notices on windscreens to inform drivers (the Police discourage such action).
- Any of the measures proposed by County Highways in their consultation can be implemented without compromising the RTEO, so there is no intention to remove it from any of the existing locations unless it becomes entirely redundant.
- These entrances are valued for pedestrian and cycle access. They are much used by staff and students on foot who live on and off the

campus, and by local children who cross the campus to go to school at Burleigh and Garendon.

- If these entrances were closed it would force more people in to cars, then traffic would be displaced onto Epinal Way and the main University entrance, adding to the congestion that is already considerable at peak times.

#### **8. Review pedestrian safety around pedestrian access points and their hours of opening.**

- Poor and congested parking in roads around the University, particularly near entrances, threatens the safety of pedestrians and other drivers. Witnesses said that there are many examples of near misses caused by bad parking, of cars parked on corners and kerbs and across driveways, and of freighters and other service vehicles being prevented from getting through the streets.
- Some cars are parked for up to three months at a time.
- The cost of implementing proposals made by the recent West Loughborough Parking Study will fall on local residents and Council Tax payers, when it should lie with the University.
- Bad and congested parking creates a particular risk to children who use the entrances regularly on their way to and from school.
- The University survey of traffic and pedestrian safety on campus did not find any problems at the access points to the University.

#### **9. Require the University to provide more pay and display parking on campus.**

- The University should provide parking for casual users such as students on placement, rather than leaving them to park on local roads as an overspill facility. The Students' Union does provide limited pay and display parking and a drop down/ pick up facility for users of the campus Nursery, which is open to everyone, not just students and staff.
- The proposal to provide more parking spaces runs counter to policies such as PPG13 and strategies to decrease the use of cars (as at 3 above).
- There is probably adequate parking on campus, but it's in the wrong place; this makes it similar to park and ride, meaning that students would have to pay twice, for their parking and for their bus ride. In that case it is easier and cheaper to use a car – see also 1 above.

- The College has space to develop more parking spaces but believes that Highways would disapprove and planning permission would not be forthcoming.
- The University has already planned to review its overall charging policy as part of its approach to tackling the parking/travel problem; it will seek for example to encourage car sharing.

**10. Investigate the effects of building on campus land that was previously car parks.**

- Charnwood Borough Council Planners would consider the implications and impact and how proposals for parking provision fitted with the University's overall car parking strategy, and would ensure adequate parking elsewhere on the campus. However, that would take place in the context of the University's green travel plan and aim to discourage use of cars and encourage the use of other modes of transport.
- When building has taken place on car parks, this has been compensated by other provision such as the new multi-storey car park. The University probably has more places than are recommended under PPG13, which is not as implied in the question. They would not like to reduce the number substantially. The wider issue is the distribution of places across the campus. The aim in the long run is to supply parking spaces at the edge of the campus and use a shuttle bus to carry people around; this would be a more coherent and a joined up plan.

**11. Investigate the viability of Charnwood Borough Council exerting influence to help alleviate parking problems in the vicinity of the University campus.**

- There is evidence to show that many councils do act on these problems; see, for example, Durham, Oxford, Cardiff, Wokingham/Reading and Bath. All speak of similar problems to those experienced by Loughborough and discuss a similar range of possible actions. The Durham model is neither discriminatory nor disproportionate.
- The University is happy to work with CBC in partnership so long as proposed actions are not discriminatory or disproportionate.
- Charnwood Borough Council has a good working relationship with the University, enabling influence to be exerted through discussion and negotiation. This is contradicted by one group of witnesses.

## **12. Investigate the viability of the Panel submitting information to Leicestershire County Council Highways Forum for Charnwood's West Loughborough parking Study.**

- The opportunity for engagement with the formal consultation process has probably passed, but the Highways Department will be kept informed about the Panel's report and recommendations.
- The local Highways Forum to be held on 5<sup>th</sup> January 2010 will be informed about the Panel's work. The final report will be a public document by the time of the next meeting on 31<sup>st</sup> March 2010 and they may wish to discuss it.

## **6. Discussion of Evidence and Key issues and Recommendations.**

This discussion considers each of the Terms of Reference in turn so as to be consistent with the approach taken through out the report.

### **1. Work with the University to agree an outright ban on students having a car within Loughborough, apart from those with special needs.**

The issues faced in Loughborough concerning students' car parking where they live in the town, volume of traffic, and parking in residential areas around the periphery of the campus to the annoyance of local residents, are mirrored in other university towns and cities.

The Panel was directed to examples said to demonstrate how Universities have addressed such problems. It was claimed that many Universities ban student cars on campus, but Cambridge, Durham and Bath operate a ban also on students bringing their cars to the wider town.

Our investigation suggests that only Cambridge actually operates and enforces such a ban '*...within 10 miles of Great St Mary's Church ...*', with the issue of licences/permits and enforcement of the scheme in the hands of the Special Pro-Proctor for Motor Vehicles.

Durham University does require all students to obtain a licence to bring a vehicle into the city. Licences are not normally issued to those in college accommodation or to first year undergraduates; others may have up to two licences per single residential address so as to demonstrate '*...that the number of cars parked at privately rented properties is reasonable and is in line with the restrictions placed on individual householders.*'

Critically, the licensing scheme replicates, but is independent of, that operated by Durham County Council, which exercises control over most of the city with a Controlled Parking Zone (CPZ). The Council says it would be discriminatory to have a scheme that is different for a particular sector of the community. The University authorities believe that the parking situation is much improved since the licensing scheme was introduced.

Bath University regulates cars in off-campus accommodation through the issue of permits '*in exceptional circumstances*', but this applies only to University owned properties and not to private rented housing.

We conclude that only Cambridge imposes a ban that extends to the city; it has been in place for a long while and has not attracted a legal challenge. Possibly that is because Cambridge itself has a pattern of tightly defined streets and college buildings and extensive traffic controls to discourage and prevent parking throughout the city. Also, it may not be a suitable benchmark for Loughborough because it is not campus based.

We were also directed towards congestion on the road system generally, and a number of major policy documents which require local authorities to reduce traffic growth and congestion: Planning Policy Guidance 13 (PPG 13) Transport; Local Agenda 21; and the Road Traffic Reduction Act 1997. While this falls outside our specific remit, the assertion that student cars contribute substantially to the problem does require some response.

Clearly, traffic generation associated with the University does impact upon the Loughborough network, as shown by the decrease in congestion levels during recesses. However, such recesses coincide with College and state and private school vacations, so it is difficult to know how much may be attributed to any one cause.

However, we acknowledge that student and other University-related traffic is a contributor: the question then is whether it would be reasonable or legal to target a specific group of road users by imposing a ban, as proposed in the petition.

Two sets of witnesses robustly argued that it would be discriminatory and potentially contrary to Human Rights legislation. They said that if we substituted 'students' with the name of an ethnic, religious or sexual orientation group, we would immediately see that it was discriminatory. It would be incompatible with the rights upheld in legislation and legally unsustainable.

While there might be room for argument about the degree to which the Human Rights Act 1998 applies to educational institutions, there is none in respect of government bodies. Article 14 prohibits discrimination against individuals because of their race, religions, sex or any other personal status unless it can be justified objectively. Under Article 1 of the 1st Protocol a person has the right to peaceful enjoyment of their possessions. Public authorities cannot usually interfere with things people own or the way they use them, except in limited circumstances.

Limits are only admissible if there is a legal basis for the restriction, it has a legitimate aim, is necessary in a democratic society, and is proportionate. The underpinning concept is of equality and fair treatment for all.

It is argued that provisions within the Road Traffic Act 1997 to set specific targets in respect of *'different classes of road traffic'* would allow public authorities to focus on specific groups – in this case, student related traffic. However, this is difficult to reconcile with Human Rights legislation; also, while the County Council as the principal authority under the Act does set targets for reducing car journeys to school, it rejects them for travel to work. Such measures as were considered were directed towards encouraging and enabling alternative sustainable travel choices and reducing the convenience of parking in town centres; they did not target specific measures to restrain car usage among specific groups.

We note the range of measures required in law and national guidance to reduce dependency on the private car to reduce congestion on the roads, improve highway safety and reduce our collective carbon footprint. These are pursued through the Local Transport Plan (LTP) which is prepared by the County Council. This, along with PPG 13 and national Planning Policy Statements, influence the spatial policies which determine the scale, location and sustainability credentials of new developments.

Short of measures to ban students from bringing a car to Loughborough, we note that the University, in common with many others, uses a range of means to discourage cars, including its literature, the limited availability of parking on campus, the control of permits, and provision in its ordinances to discipline students who park in controlled areas.

### **Recommendations:**

- That an outright ban on students bringing a car to Loughborough cannot be supported.
- That the University and College are urged to pursue all reasonable and legal channels to discourage all campus users from bringing their cars to Loughborough other than in exceptional circumstances.

## **2. Require the University to keep a register of all staff and student vehicles with which to monitor and enforce local parking contraventions.**

Of the Universities we investigated in depth, only Durham has a registration scheme applicable to students living in accommodation in the city that is not University provided or controlled. As seen earlier, this mirrors the permit scheme operated for all residents by Durham County Council except that first year undergraduates are not included and live in halls. Enforcement is through the CPZ and policed by the Council's street warden service.

The attraction of a registration/licensing scheme is that the University can enforce it within its own ordinances. The Road Traffic Exclusion Order, supplemented by advisory 'No University Parking' signs on Ashby Road and within those areas lying between Forest Road and the campus, can be legally enforced only by the Police. However, the Police can't give it high priority and

DVLA will not share data with the University so that its own security staff can enforce the controls. A registration scheme with details of cars of staff and students would bridge the data gap.

Such a registration scheme, if shared with the Council, could help to identify cars parked away from halls that have a No Car Agreement (it is alleged that some tenants park in uncontrolled areas at a distance from their hall, in contravention of the Agreement and to the inconvenience of local residents).

The University is considering introducing such a scheme from 2010/11. However, there are issues of Human Rights, consumer rights and data protection. Legal advice suggests that a scheme could not be imposed on staff because it would be disproportionate to the problems attributed to them, but it might be appropriate for the student body.

We note that some students might avoid registering their cars, that there might be claims of discrimination, and that students should be treated as any other resident.

#### **Recommendations:**

- That the University and College maintain a register of vehicles owned by staff and students with a view to enabling their own security services to police illegal and inconsiderate parking in the streets adjoining the two campuses.
- That registration details are shared with the Borough Council to help identify vehicles that might be breaching a No Car clause attached to a Section 106 Agreement, but parked remotely so as to avoid detection.

### **3. Require the University to scrap internal rules banning students living within two miles of the University from parking on the campus, causing them to seek parking in surrounding streets.**

Investigation of the practices of other universities suggests that a limited supply of on site parking is normal, alongside denial of permits to those living in university accommodation or within a reasonable commuting distance by bus, walking or cycling. Loughborough College applies such an approach and does not issue permits to those resident in LE11.

As we have seen, the provisions of the plethora of policy guidelines are to reduce road traffic. Limited availability of on site parking is a consistent feature of Green Travel Plans which promote and support public transport, walking and cycling. The removal of the two mile zone would frustrate these efforts and increase traffic congestion.

However, we acknowledge that a consequence is parking on the nearest available, convenient and uncontrolled place, rather than the hoped for modal shift. PPG 13 anticipated such a response and advises that, where

appropriate, it may be necessary to introduce on-street parking controls in adjacent areas so as to minimise the displacement of parking.

There is an argument that the University does have enough parking, but that it is not conveniently located, being at the western end of the campus. In accordance with a recent planning agreement in respect of the new design centre, a shuttle bus is to be established, which should improve accessibility.

An aim of PPG 13 is to reduce car dependency and limited parking provision is a central component of the strategy. The emphasis is on encouraging and facilitating behaviour change through a combination of stick and carrot: limited parking availability is the stick, while green travel plans are the carrot.

### **Recommendations:**

- That the University be encouraged to retain its policy on students living within two miles and the College similarly be encouraged to retain its policy on staff and students living in LE11.
- That measures to secure the provision of a shuttle bus service across the campus are pursued through the conclusion of the Section 106 Agreement negotiated in connection with the Design Centre proposal.

#### **4. Use Section 106 of the Town and Country Planning Act to stop staff and students parking in unapproved areas.**

The use of Section 106 agreements is widespread in university towns. Most commonly they have been applied in cases of new residential facilities, prohibiting residents from bringing cars except in exceptional circumstances or where they can demonstrate provision for suitable off street parking.

Such agreements have been widely applied in Loughborough for all new student accommodation blocks, on and off campus, during the past four years or so. Appeals have not been upheld by Inspectors, and the agreements have been upheld as appropriate and enforceable.

Local alleged breaches have been investigated and enforced; from 2010, a more proactive approach will be taken, with strict deadlines imposed on accommodation providers to submit data to the Borough Council followed by a series of 'street sweeps'. It is acknowledged that the schemes have their limitations and cannot be immune from abuse, but the penalties for contravention are severe, including eviction, and on the whole they have been deemed to be successful.

The University has voluntarily extended the scheme to William Morris Hall and might be persuaded to consider extending it to other halls on campus.

Section 106 Agreements have also been used to secure provision in Green Travel Plans to mitigate the impact of a particular development.

Critically, planning agreements are just that: agreements. They cannot be imposed but must be negotiated, and nor can they be applied retrospectively so as to correct or adjust matters.

### **Recommendations:**

That, when determining applications for developments associated with the University and College, including privately built student accommodation blocks, the Borough Council imposes conditions or, failing that, negotiates agreements under Section 106 of the Town and Country Planning Act 1990 to:

- secure No Parking clauses within the terms of tenancy it covers it agreements so as to prevent cars being brought to Loughborough;
- secure contributions towards infrastructure designed to enable or facilitate safe or convenient access by public transport, walking or cycling; and
- secure provision within existing Green Travel Plans to deliver measures to encourage and enable wider use of public transport, walking and cycling as an alternative to dependency on the private car for local trips.

### **5. Increase the scope of the University bus service and other Green Transport solutions.**

There is general agreement about the need to improve environmentally sustainable alternatives to the car. We have seen that this can be encouraged through Section 106 Agreements. Also, organisations may amend their Green Travel Plans and improve them at any time, so long as they abide by any binding agreements. It is understood that the University is reviewing its overall travel plans.

That review reasonably might consider options for enhancing the current “Sprint” bus service. Both Students’ Union and community representatives expressed concern that the service was oversubscribed at peak times, while community representatives were disappointed that it was reduced outside of term time.

In addition, concerns were expressed about the cost and inconvenience of buying tickets, which was seen as expensive and unhelpful.

We understand that the narrow roads on the University campus restrict developments, but note the success of the bus service through the College by means of a traffic restricting bollard which has been developed in partnership. In the continued spirit of that partnership, the operators are open to discussions as to how the service might be improved.

The Panel learned of various schemes to encourage the take-up of cycling. We noted with interest the establishment of an embryonic scheme involving cycles for hire from the campus bike shop, Cogz; and Ucycle, which is a Sustrans supported project, operating in Nottingham and Leeds.

Panel members questioned whether Loughborough roads were 'cycle friendly'; they also wondered if a bus lane could be installed on Epinal Way. It is notable that there is enough land available to make Epinal Way into a dual carriageway. The County highway authority will shortly start work on the third iteration of the Local Transport Plan (LTP3) and such initiatives are likely to be considered seriously when planning for an efficient and effective transport network. The Borough Council will be an 'active partner' in the consultations on that project.

### **Recommendations:**

- That the efforts of the University, Students Union and College to encourage wider use of cycling are recognised and that they are directed towards successful schemes working in Nottingham and Leeds with the involvement of Sustrans, with a view to importing them to Loughborough.
- That the Borough Council uses its position within the Loughborough Quality Bus Partnership to promote discussion among the University, College and bus operators to explore commercially viable options to increasing the frequency and/or the capacity of services linking the railway station and town centre to the campuses. Measures for consideration might also include the provision of free bus passes, improved ticketing and a more attractive pricing structure.
- That the Borough Council through the Charnwood Highways Forum takes advantage of the active partnership with the County Council to promote, encourage and support the preparation of LTP3, which can deliver the dualling of Epinal Way along with facilities to enhance and encourage the use of public transport, walking and cycling.
- That all organisations in preparing and monitoring their Green Travel Plans be encouraged, and required where planning controls permit, to incorporate clear targets for traffic reduction, effective monitoring and regular publication of performance.

### **6. When possible, place a car ownership limit on each [student] rented property within Loughborough.**

Although the petition referred to rented properties, SbC confirmed that the proposal referred only to properties rented by students.

We note that Section 106 No Car agreements are customarily used on new purpose built student housing.

There is no legal avenue available whereby local authorities could regulate car ownership in the traditional private sector as requested in the petition, those properties being commonly regarded as family housing. Such a power is unlikely to become available as it would probably offend against equality.

Residents' Preference Parking Schemes do offer an effective limit of two vehicles per dwelling. It is claimed by some that visitors' passes are used to contravene the restrictions (£5 for a book of ten, day passes, limited to two

books a month), but a counter argument says that would be too expensive, impractical and cumbersome in use.

There is evidence of more stringent permit schemes, with flatted properties limited to one per household, but these are based on the type of property, not the character of the residents. It could not legitimately be used to target student households alone.

From our investigations, we found that only Cambridge used its ordinances to control the behaviour of students in the private rented sector. Contrary to arguments put to us that the University could introduce such powers as it wished into its ordinances, we also heard that ordinances must be non-discriminatory and legally sustainable. We suspect that there would be a robust challenge to any change that did not accord with these requirements.

### **Recommendations:**

- There are no legal powers available to the Borough Council to impose any limit on parking associated with private tenancies other than those where a Section 106 agreement is in force.
- The University is urged to extend its parking controls as introduced with William Morris Hall to other halls of residence on and off campus, subject to the normal exemptions.

## **7. Review the University entrances with a view to securing the permanent closure of those at Ashleigh Drive and Spinney Hill Drive.**

The University has a number of vehicle access points: the three principal entrances are at Epinal Way, Ashby Road and Holywell Drive. The accesses at Ashleigh Drive and Spinney Hill Drive appear to attract lower volumes of traffic, but are helpful in gaining access, particularly for those from the south.

It is likely that their use reduces the congestion on the streets serving the three primary entrances and for that reason alone the County Council would not support their closure. More importantly, there are no powers available through which the public authorities could enforce the closure of either access, even if they wished to.

Both routes, together with the pedestrian route off Coniston Crescent, are also considered to provide important means of access to the campus for staff and students while also providing opportunities for school children to cross the campus en route to the secondary school complex at Thorpe Hill. Closure of the accesses would be inconvenient to many people and would tend to encourage car trips on the wider highway network.

Closure of the accesses in order to discourage unauthorised parking in the neighbouring streets would appear to be disproportionate, in particular because there are other ways of achieving that.

### **Recommendations:**

- That no action be taken to close the vehicular access at Ashleigh Drive and Spinney Hill Drive because they provide a valuable access and their loss would have disadvantageous spin off effects in the wider transport network.

### **8. Review pedestrian safety around pedestrian access points and their hours of opening.**

Poor parking in the vicinity of the entrances is alleged to obstruct emergency vehicles and refuse freighters while also posing a risk to children on foot. However, neither the County Council nor a study on the campus found any particular road safety problems.

The Panel discussed restricting the opening times of the pedestrian access at Coniston Crescent because students and perhaps staff park on the street at unsocial hours when they use the entrance, in particular to get to the library. The library is open for long hours during exam periods. The noise nuisance is exacerbated by resonance from an underground water main pipe beneath the footpath. The University agreed to investigate the problem caused by the presence of the water main.

### **Recommendations:**

- We urge the University to investigate the causes of the noise nuisance and introduce measures to mitigate them.
- We urge the University to close the overnight access via Coniston Crescent (between 10.30pm and 6.00am), with the possibility of some relaxation during exam periods when the library is open for extended hours.

### **9. Require the University to provide more pay and display parking on campus.**

The provision of more pay and display parking on campus was under review, but the encouragement of measures which support the use of cars might be seen as contrary to efforts to reduce car dependency and promote Green Travel Plan solutions.

Some universities use a limited number of pay and display bays to enable short term parking for those unable or unwilling to buy a permit. This might help to reduce the tendency to park in adjacent residential streets.

### **Recommendation:**

- That the University give consideration to the merits of designating some existing spaces for pay and display parking for non permit holders as a

means of enabling short term or evening parking on campus so as to alleviate unauthorised parking on neighbouring streets, particularly for library users, as part of its overall car parking strategy for the campus.

#### **10. Investigate the effects of building on campus land which was previously car parks.**

The University recently embarked on a major development programme including purpose built student accommodation along the Ashby Road frontage, and teaching and research facilities. There has been a modest loss of parking places.

In all cases where planning permission is sought the Borough Council, as the local planning authority, advised by County highways, has to assess the impact on, inter alia, transport and parking. Considerations hinge on PPG 13 and the requirement to encourage environmentally sustainable solutions; there is no need to find like for like replacement parking, and indeed there may be good reasons not to.

The University says there are sufficient places on campus to satisfy the PPG 13 standards, though it is acknowledged that many are concentrated in the western end of the campus, adjacent to the science park. That might be an opportunity to establish a park and ride scheme. In accordance with the development of the new Design Centre a shuttle bus is to be introduced in accordance with the Section 106 Agreement.

#### **Recommendation:**

- Introduce the shuttle bus in accordance with the Section 106 Agreement recommended under section 3 above and ensure its route is appropriate.

#### **11. Investigate the viability of Charnwood Borough Council exerting influence to help alleviate parking problems in the vicinity of the University campus.**

A number of channels are already available and used. The Council's Chief Executive and senior directors meet quarterly with the University's Chief Operating Officer and senior colleagues with responsibility for estates and community relations; these meetings are private.

In addition, the Borough Council facilitates a public meeting, the Loughborough Campus and Community Liaison Group, bringing together community interest/residents' groups, local Councillors and University representatives on a regular basis.

Councillors attending that meeting may be expected to take a particular interest in how the various recommendations of the Panel, as they are subsequently endorsed by Cabinet, are received and acted upon. This will

provide a continuing public forum for consideration of the issues raised in the petition and by associated community/residents' groups.

**Recommendations:**

- The existing channels for communication are maintained.
- That Loughborough Campus and Community Liaison Group is invited to include as a standing item the monitoring of the recommendations endorsed by Cabinet coming from the work of the Panel.

**12. Investigate the viability of the Panel submitting information to the County Council Highways Forum for Charnwood's West Loughborough Parking Study.**

The West Loughborough Parking Study is the beginning of consultations to ascertain the level of public support for the introduction of enforceable parking controls on streets around the campuses. It is co-ordinated by the County Council, as the highway authority.

Initial responses show differing levels of support for a range of options, while some object to the introduction of any scheme that would impact upon the public purse and inconvenience residents and their visitors. The latter wish the University to tackle the problem by reducing or removing all student and staff vehicles from their streets, using the various measures discussed in previous sections.

The County Council is considering the initial public responses and appears inclined to bring forward variants in line with the preferences stated. A further consultation is anticipated later in the year.

It seems that residents in areas with most parking congestion (Ashleigh Drive, Mountfields Drive, Outwoods Drive area and Kingfisher Estate for example) favour a more rigorous approach, with Residents' Only Parking Schemes. The risk is the displacement into other areas such as Spinney Hill Drive, Holywell Drive and streets off Forest Road.

The existing Road Traffic Exclusion Order would remain in force, but as we have seen enforcement is problematic. The University have tried to enforce the scheme through their own ordinances, but could not succeed without data from DVLA which was denied to them.

The dossier of information provided on best practice has demonstrated repeatedly the importance of local traffic regulation orders enforced by the local authorities in securing a satisfactory residential environment around colleges and universities.

In some cases, for example, Bath University, institutions have contributed financially to the establishment of Residents' Preference Parking Schemes.

The Panel considered an example from London, Arnos Grove to be precise, in which a parking order was used just between 11.00am and 12.00noon so as to discourage all day commuters from using residential streets. The suggestion was that a similar ban would be enough to discourage all day parking around the campuses; it would not seriously inconvenience residents and would be cheaper to enforce.

Much as we would like to be a beacon of good practice, we have to stay with practices that are lawful, possible to implement and enforceable. Charnwood is not alone in facing these issues and we must make use of the statutorily available tools at our disposal.

### **Recommendations:**

- The Panel's report will go to the next meeting of the County Council Highways Forum for Charnwood on 1<sup>st</sup> March 2010.
- The County Council should continue to investigate and consult on options, looking at the problem in the round. They should find suitable schemes that are proportionate to the problems experienced in any particular area, and at the same time do not displace unauthorised parking onto neighbouring areas.
- The highway authority is advised of the parking controls imposed at Arnos Grove (London) as an alternative to the potentially inconvenient all day controls proposed in the recent consultation.
- Residents groups who gave evidence to the Panel are advised that, notwithstanding the use of university ordinances and rules, it is apparent from the lines of enquiry pursued with other university towns that the primary means for enforcement is delivered through traffic regulation orders imposed and policed by, or on behalf of, the local highway authority.
- In particular, we advise the petitioners that a variable pattern of traffic regulation orders imposing controls in some areas only, where they appear to be supported by local residents, could result in the displacement of the problem, exacerbating parking congestion in those streets falling outside the control areas. The problem must be considered in the round.
- That is the event of traffic regulation orders being approved to manage on street parking, the University and College are invited to contribute towards the costs of establishing the schemes and/or their ongoing enforcement so as to reduce the costs on the public purse and/or residents.