

**RIVENHALL PARISH COUNCIL  
MINUTES OF THE MEETING HELD ON 12<sup>TH</sup> JUNE 2012.**

**Present:** Cllrs. Abbott, Bills, Brailey, Prime, Turner and Clark.

**In the Chair:** Cllr. Abbott.

**Also present:** Parish Clerk and 2 members of the public.

**620.. To receive any apologies for absence.**

An apology was received from Cllr. Wright.

**621.. To welcome newly elected Cllr. Turner.**

The Chairman welcomed Cllr. Turner as a member of the Council. Cllr. Turner had previously completed the required Declaration of Acceptance of Office and the Register of Member's Interests Form.

**622.. Declarations of Interest relating to matters on the Agenda.**

The Chairman expressed a generic interest in all current and future local Planning Applications as he was a member of the BDC Planning Committee.

**623.. To approve and sign the minutes of the meetings held on 1<sup>st</sup> and 16<sup>th</sup> May 2012.**

The minutes of both meetings were **unanimously approved** then signed by the Chairman.

**624.. Public Forum for 10 minutes.**

No matters were brought to the attention of Members:

**625.. Matters for Discussion:**

i. ECC Parish Paths Partnership Scheme (P3).

Cllr. Brailey reported that an initial training session has been arranged for Thursday 14<sup>th</sup> June 2012, subsequent to which Cllr. Brailey will prepare a brief report to the Council via the Clerk.

ii. To adopt 'in principle' the revised Code of Conduct.

**Proposed by Cllr. Bills, seconded by Cllr. Brailey and agreed with 1 vote against** that the Council, in principle, adopt the recommended District Council's draft Code of Conduct.

iii. Future plans for Tarecroft Wood.

ECC have indicated that their policy for the Community Asset Transfer should be in place by the middle of June 2012.

Regard must be had concerning responsibility for the damage/repair of the surrounding fence.

iv. Request for TPOs at both Tarecroft Wood and Rivenhall Thicks.

Members expressed concern and disappointment over BDC's reluctance to grant TPOs

v. ECC Highway maintenance issues.

(a) *Proposed works in Rickstones Road.*

ECC have been requested to improve/repair the verges and roadside drains during the resurfacing work along this road.

(b) *Other issues.*

Rickstones Road - Road sweeping still required and the footway outside nos. 451-473 requires repair.

Church Road - reported repairs are yet to be programmed for attention.

Henry Dixon Road - Footway outside no. 6 Henry Dixon Road requires attention together with potholes at the bottom of the Henry Dixon Hall drive and at the pedestrian refuge near the junction with Oak Road.

vi. General Maintenance matters.

(a) *To agree/review the quoted hourly rate submitted by the Maintenance Contractor.*

Having received the quotation from Mr. Walsh, **Members agreed** the revised hourly rates as follows: Litter picking £9.00 per hour, general maintenance and grass cutting £10.00 per hour, with effect from 1<sup>st</sup> June 2012.

*(b) Purchase of bedding plants for use in the Church Road planters.*

The Clerk, with the agreement of the Chairman, has paid £93.98 for the purchase and planting of bedding plants for all 5 planters in Church Road.

*(c) Other maintenance issues referred to the Maintenance Contractor:*

Reporting fly tipping at the recycling site to BDC.

Sites to be agreed for the planting of 2 Sweet Chestnut Trees.

The grass and encroaching earth along various parts of the Oak Road footway to be trimmed and cut back.

The dismantled seat in Henry Dixon Road to be reinstated in Rivenhall End.

*(d) Other maintenance issues:*

Mr. Siggers to be requested to trim back the hedge along Oak Road.

Cllr. Bills to obtain an estimate for the repair of the bus shelter on the Village Green from the Village Hall Caretaker who has undertaken similar work previously.

The bus shelters along the A12 are to be inspected.

A new footpath sign is to be installed at the top of St. Mary's Road.

vii. Training Courses.

There were none to report.

viii. EALC - The AGM will be held on Thursday 27<sup>th</sup> September 2012.

Cllr. Prime agreed to attend this event on behalf of the Council.

ix. BDC expansion of weekly food waste collection - details.

Further parts of Rivenhall Parish are to be included in the weekly collection of food waste with effect from 24<sup>th</sup> September 2012.

**626.. Planning Matters:**

**New Applications:**

**12/00715/FUL:** Removal or variation of condition no. 5 of approved application 07/01005/COU to allow additional HGV movements - Appleford Farm Cottages, Rivenhall End.

The application seeks to increase HGV movements to the site to 16 (cf the current consent limiting trips to the site to 7) and states that this will equate to a total of 32 movements to and from the site per day (Planning Statement para 6.8). This application is linked to the current application (12/00611/FUL - and as revised) for extended HGV parking at Appleford Farm.

This would be a substantial increase in HGV movements over the current consent, albeit that the actual increase is unclear as for several years Bartrums and their predecessors have been observed to exceed the limit of 7 and have been observed to be parking HGVs overnight at Appleford Farm, contrary to the statements made in this and the related application. It is also unclear as to how many trips each HGV may make in a working day and there is no guarantee that should this application succeed, operations will not extend earlier or later in the day. As per previous breaches of consent, there is no guarantee that an overall of limit of 32 movements per day will be complied with. Therefore the application calculations on HGV movements cannot be relied on and RPC would submit its deep concern that this application amounts to another attempt to "push the envelope wider". As well as HGVs operated by Bartrums there appear to be others operated by another associated company (Palletline) also using Appleford Farm as a depot.

*At para. 6.10 it is stated that "company vehicles do not use the Oak Road junction with the A12" and at para 6.11 it is stated that a plan is in place which directs drivers in this regard. Similar claims are made at paras 6.21/6.22.*

Whilst it is acknowledged that the applicants have produced evidence of such a plan and instruction to drivers, it is not the case that all Bartrums vehicles do not use the Oak Road junction into Rivenhall End from the A12. Bartrums vehicles were observed to use the junction, travel down Oak Road and then turn into Henry Dixon Road on the afternoon of June 1st 2012. RPC does not dispute that some Bartrums vehicles may use alternative routes (i.e. via the Kelvedon bridge turn under the A12), but clearly the plan is not currently effective in respect of the claims made that no company vehicles use Oak Road. RPC would also submit that in the absence of an HGV weight restriction in Oak Road, any HGV routing plan would be very difficult to monitor and enforce if it were required by way of a planning condition.

*At paras 6.14 and 6.15 statements are made about vehicle movements during the day.*

Again, these statements cannot be relied on as there is long standing observations of overnight parking at the site which makes such analysis invalid.

*At paras 6.17 and 6.18 statements are made about the availability of other sites.*

As stated in the RPC response to the related application (12/00611/FUL), these statements cannot be relied on. For example, the relatively nearby site at Boars Tye Road Silver End is available, a fact confirmed by the site agents Fenn Wright.

*At para 6.23 it is suggested that residents are mistaking Bartrums lorries for vehicles travelling to or from the Commodity Centre.*

RPC would submit that this is a ridiculous claim. Bartrums lorries have "Bartrums" written in large letters on the vehicles. Parish councillors and residents have frequently reported sight of these in Oak Road. There are of course other HGVs using Oak Road, and these have also been noted.

*At para 6.26 it is claimed that RPC are only concerned with Bartrums lorries.*

This is materially untrue. The parish council has, as evidenced in its minutes over a period of many years, been concerned about the sharply increasing numbers of HGVs in general, and volume of traffic coming through Rivenhall End and the danger and environmental stress this poses. Properties along the road near the A12 junction have been repeatedly affected by crashes for years, damaging garages, walls, fences, hedges, gardens and resident's vehicles. Another crash occurred recently, demolishing a wall. The parish council secured the installation of bollards by ECC at the Henry Dixon Road junction of Oak Road to try and stop HGVs from mounting the verge at this location. The bollards have been repeatedly demolished, including in the last few months.

It is widely documented, including in the minutes of the Braintree District Highways Panel and in the minutes of Kelvedon Parish Council, that RPC is seeking an HGV restriction in Oak Road and that this would relate to all HGVs of a defined weight.

*Appendix 1 documents claimed lack of available alternative sites.*

As stated in respect of paras 6.17/6.18, this evidence is unreliable as at least one such site is available.

*The application Transport Statement*

This repeats information about vehicle movements, which RPC would again submit cannot be relied on. The business is apparently operating from 2 sites (Rivenhall and Witham) but some of the Bartrums HGVs use Appleford Farm overnight, contrary to previous planning consents. Any vehicle movement calculations based on no vehicles being parked overnight are therefore unreliable.

Similarly, the claims about the routing agreement are unreliable given recent observations of Bartrums lorries in Oak Road.

The Transport Statement relating to KSI incidents and HGVs does not mention the death caused by a road crash in Braxted Road some years ago. There is also no understanding of the damage to street furniture, damage to residential properties, intimidation of residents by HGVs mounting the pavement and the general noise and vibration caused by (all) HGVs and high volumes of traffic that use Oak Road. Many incidents do not appear in the KSI records as they do not involve serious injury, but locally they can be serious in terms of damage to property. The wider affects of traffic are concentrated on peak flow times, particularly the late afternoon period. Whilst it is true that Bartrums lorries are a contributory factor, not the sole cause of this, the RPC must support its residents in their reasonable requests for an improvement in quality of life and so planning applications involving an increase in HGVs movements that could affect Oak Road cannot be supported.

*Planning history and discussion*

Appleford Farm has been the subject of numerous planning applications. There are 14 applications listed on the BDC website since 2004. Most of these are related to transport use of the site by Bartrums/Flight and the Probation Board.

The consistent decisions of both BDC and Planning Inspectors has been to limit the use of the site on policy grounds as it is in the countryside. This has included restricting the number of HGVs to the site to 7 per day and no overnight parking of HGVs, although both these planning conditions have been observed to be breached for years.

The current applications would apparently consolidate the operations from the 2 sites (Rivenhall and Witham) to the single site at Rivenhall. The applicants and their predecessors have repeatedly claimed in applications over a period of some years that the need for this is due to the impending loss of the availability of the Witham site. However, it is unclear as to what evidence there is of a firm date by which Bartrums must cease using the Witham site.

RPC would submit that Appleford Farm is an unsustainable site in the countryside for the purposes of an HGV depot. The established use as a farmyard or of the use by the Probation Board are not comparable to an HGV depot. Access to the A12 is only via 2 sub standard (Highways Agency report) junctions at Rivenhall End. Commercial expansion of the site would be development in the countryside contrary to numerous BDC policies. The development would be adjacent to 3 residential properties at Appleford Farm.

The main access route is via Braxted Road, a narrow rural road with no roadside footways and high hedges for much of its length that prevent areas of refuge for cyclists or pedestrians. At the southern end there is a narrow historic bridge with one way working which has been the subject of numerous bridge strikes and subsequent re-building by ECC. At the northern end the road becomes Henry Dixon Road and then Oak Road. Oak Road is subject to a 7.5 tonne weight restriction at the railway bridge which has had major strengthening works due to bridge strikes by HGVs. The section of Oak Road leading to and from the A12 is a narrow residential road where large HGVs cannot pass each other without mounting the pavement, where cars are frequently required to reverse at the road junction with Henry Dixon Road to allow HGV to negotiate the junction (or the lorries mount the verge and demolish the bollards) and where HGVs cannot turn into Oak Road off the A12 without going over on to the wrong side of the road. RPC would completely reject any claim by the Highways Agency or ECC Highways that any of the above roads are suitable routes for large HGVs to use on a regular basis.

Contrary to the implied claims of the applicant, the parish council does not oppose Bartrums per se. Bartrums is a perfectly legitimate business. The issue is what is an appropriate site for an HGV haulage business of this size in planning terms. The consistent view of BDC and Planning Inspectors is that Appleford Farm is only suitable for limited activity of this nature and this parish council agrees with that position and would therefore submit that application 12/00715/FUL and the related application 12/00611/FUL (as revised) should be refused.

**12/00707/FUL:** Amendment to application for sun room and alteration of design and proposed garage store to sideway, also exterior render to ground floor - 116 Oak Road.

Members raised no objections to this application but recommended that any comments/objections from the neighbours should be given careful consideration given the close proximity of the proposed store.

**12/00611/FUL:** Additional information regarding the clarification of boundaries required by BDC - Appleford Farm Cottages, Rivenhall End.  
Members reiterated their objections detailed at Minute 616 dated 16<sup>th</sup> May 2012.

**12/00300/FUL:** Minor change to existing plan regarding erection of extension etc - Essex County Fire & Rescue Services, Kelvedon Park.  
Members raised no further comments to these amendments but reaffirmed their previous objections detailed at Minute 585 dated 19<sup>th</sup> March 2012.

**ESS/32/12/BTE:** Bradwell Quarry, Rivenhall Airfield - Amended working hours.  
**With 1 abstention it was agreed** to object to the Saturday working on the grounds of noise nuisance to local residents.

#### **Planning Results:**

**12/00432/FUL:** Erection of single storey extension to the front elevation and the erection of a single storey car port to the east elevation - Barley Croft, Oak Road, Rivenhall End.  
Application refused.

#### **Planning Enforcement:**

Action pertaining to Appleford Farm is on hold pending the results of the current applications.

**Ongoing Planning & Highway Issues:**

- i. Local Development Framework.  
Nothing further to report at this stage.
- ii. Rivenhall Airfield.  
Nothing further to report at this stage.
- iii. ECC Waste Development.  
There would appear to be some slippage regarding future consultation.
- iv. ECC Minerals Development.  
There would appear to be some slippage regarding future consultation.
- v. Braintree District Local Highways Panel.  
The structure of the Panel has been suggested as 4 members from ECC; and 4 each from BDC and the parishes.  
Vehicle accidents in Oak Road - both ECC and the Highways Agency are to be made aware, again, of the number of vehicle accidents that have occurred at the A12 slip in the past few years, and requested to take immediate action to alleviate the problem.

**627.. Correspondence received since the date of the agenda.**

No additional correspondence had been received.

**628.. Finance matters:**

To agree accounts for payment.

**Proposed by Cllr. Prime, seconded by Cllr. Bills and unanimously agreed that the following accounts be paid. Cheques were then drawn accordingly.**

833	The Henry Dixon Hall Charity	£8.75	Hire of Hall
834	The Society of Local Council Clerks	£83.00	Subscription renewal
835	K. P. Taylor	£376.98	Salary/expenses May
836	A. Walsh	£261.00	Maintenance May
837	RCCE	£55.00	Subscription renewal

**629.. Information exchange and items for the next agenda.**

- Local timetables are now located in the Oak Stores
- Some Greenfields garage sites are being investigated for possible affordable housing.

**630.. Dates of future meetings:**

Tuesdays 3<sup>rd</sup> July and 7<sup>th</sup> August, both in Rivenhall Village Hall and commencing promptly at 20.00 hours.

Items for the July meeting to the Clerk by 27<sup>th</sup> June at the latest.

**631.. Closure.**

The Chairman closed the meeting at 21.30 hours.

Signed: ..... Date: .....

CHAIRMAN