

Notes from the Public Inquiry held at Aston Hall Hotel at 11:00 on Thursday 9th February 2017

Andrew Wilkinson, of the Office of the Traffic Commissioner, outlined how this inquiry would proceed. He pointed out that this was not a public event, and would normally take place in a magistrates' court, but given the level of local interest, as an exception the public could sit in and listen, but they did not have a right to speak.

The Traffic Commissioner, Mr Rooney, then entered the room. He outlined that this enquiry was to consider the granting of a licence to operate 10 heavy goods vehicles and 2 trailers, applied for by Mr William Hague and Mrs Rosemary Hague of Kiveton Hall Farm. The notice of the enquiry had been published in the Sheffield Star, and the deadline for objections had expired some months ago. The matter had been discussed by Todwick Parish Council on 28 February 2016, but they decided not to pursue it. Rotherham Borough Council had also chosen not to object.

There were 3 parties listed as valid objectors, who would be allowed to speak. These are Simon and Angela Hayward (represented by Mr Bowler), Trevor Rollinson, and Mrs Sonia (?) Rollinson.

The Traffic Commissioner was aware that many local residents had not heard about this in time to object, and therefore, as an exception, he would allow Councillor Beck to speak on their behalf.

The Traffic Commissioner pointed out the limits of his remit: he could consider only the use of the operating centre, its exits and entrances. His concern is how the operating centre is used, its environmental impact and road safety. Since William Hague is an established operator, the Traffic Commissioner is able to accept any undertakings from him.

The decision could not be taken today, because written reports that had not been received until today will need to be considered.

We would hear today first from the applicant, then from the traffic examiner Ann Devlin of the DVSA, then from Councillor Beck, then from Mr Bowler for the objectors, and then the applicant again. The A decision will then be made within 28 days.

1. Mr William Hague (applicant)

Mr Hague has 2000 acres of farmland, and has had HGVs in operation in connection with farming since 1990. The purpose of this application is to cut out the need for third-party HGVs. He does not propose any change to his farming activities. The original application was for 14 vehicles and 4 trailers, but this has now been reduced to 10 vehicles in 2 trailers. Mr Hague has accepted 3 conditions which were suggested by the Traffic Commissioner.

- i) There will be no operations before 7 AM and after 5 PM, and on Monday to Fridays only. There will be no operations at weekends and on bank holidays.
- ii) Vehicles will be kept in the shed when not in use.
- iii) Engines will run for no more than 10 minutes before leaving and after returning (idling).

Mr Hague has also agreed to an undertaking that the vehicles will only be used in connection with the farming business, unless it involves a back-run (return journey).

2. Ms Ann Devlin of the DVSA

She visited the farm on 7 September 2016. She outlined the size and location of the operation. The road at which the entrance is sited has a 40 mph speed limit and is a single carriageway between 2 villages. It has become a busy connecting road between the A57 and nearby villages. There are no visibility issues. The site has sufficient capacity for 4-axle rigid vehicles and articulated units. The area earmarked for parking cannot be seen from the residential properties nearby. She noted that

there was public access to nearby fishing ponds, which involved walking through the farm. There is a 10 mph limit on site. The HGVs will be used to transport grain; this is currently done by 3rd parties, and the granting of a licence would not necessarily rule out some use of 3rd parties. The HGV use is to some extent seasonal, but this would not affect the working hours. She had suggested conditions as outlined above.

Mr Bowler pointed out that he and his clients had not received an outline of where the vehicles will be stored. There was a break whilst this information was obtained and shown to the clients.

One of the objectors, Mrs Rollinson, pointed out that the environmental report did not cover their concerns as outlined in their objection. She pointed out that there was a right-of-way which had originally run where houses now are, which the council has now moved. There are public footpaths and a bridleway. She did not find mention of the fishing pond in the report. Regarding the suitability of the site, she first of all questioned whether it was suitable for the necessary manoeuvring. Secondly, she pointed out that Kiveton Lane is at its widest point at the access point to the farm, but becomes much narrower elsewhere on Kiveton Lane. Thirdly, she noted that the considerable quantities of soil and mud that were left on Kiveton Lane were not mentioned in the report. Ann Devlin replied that she had not been aware of the public footpath, but she did know about the fishing pond and had taken into account pedestrian access to it. It was pointed out that the bridleway is shown on the map. Ann Devlin confirmed that she had assessed the potential for conflict between vehicles and pedestrians.

The Traffic Commissioner pointed out that it was not within his remit to assess the suitability of the road at other points.

The second objector, Trevor Rollinson, is a former contractor and engineer who was involved in the construction of the houses at Todwick Court. He pointed out that there were several rights-of-way running through the farm, which were registered with the Land Registry, and which William Hague therefore knew about. He pointed out that William Hague's record on compliance with council conditions left something to be desired since Rotherham Borough Council had complained about a soil heap which they required to have removed around 20 years ago, and it was still there.

Councillor Dominic Beck was then permitted to speak in order to represent residents' views. He referred to concerns about noise affecting residents. He referred to the Rotherham Borough Council local plan for housing, which envisaged 100 new houses being built directly opposite the site, and the potential for conflict here. He drew attention to the potential for a blight on the use of the footpaths and bridleways running through Kiveton Hall Farm. He pointed out that Kiveton Lane had originally been just that, a lane, and did not support high traffic, congestion, stationary HGVs and trailers, which many believe would be unsustainable.

We then heard from Mr Bowler, speaking on behalf of Simon and Angela Hayward.

He referred to the claim that the houses of Todwick Court were screened, but pointed out that the Haywards' house overlooks the parking area and access road. It was conceded however that it does not overlook the shed which is envisaged for parking the vehicles.

He pointed out that this proposal was not a natural progression from a small farm but looked more like becoming a full-scale distribution centre for other farms which Mr Hague also owned. He

therefore suggested that it was opportunistic and inappropriate, since the farm as it stood could not possibly need 10 HGVs.

He referred to the back-run operations, and the fact that for the economic sustainability of the farm these could end up involving non-farming activity, and therefore constituting a service industry for other businesses.

The Traffic Commissioner asked William Hague how many vehicles he currently had – it is 19. The Traffic Commissioner queried the apparent lack of distinction between farming activities and other activities, and wondered whether third-party products might be stored there.

Mr Bowler also asked about maintenance activities and washing activities, and where these would take place. His concern was around noise. Mr Bowler acknowledged that some of the residents' major concerns lay outside the Traffic Commissioner's remit, but nonetheless requested his response to them.

Trevor Rollinson spoke again. He outlined concerns about the increased activity that 10 lorries and their drivers and support staff would mean for the farm and its environs. He suggested that it would represent a change from a working farm to something much bigger, in other words a plant hire company, which is part of William Hague's business. He pointed out that William Hague had closed the footpath, although it was then established that this was only closed to vehicles. Mr Rollinson pointed out that although there was a 40 mile an hour limit on the road at the point of Kiveton Hall Farm, it was 30 mph either side of it. There had been several accidents outside the farm, including the death of one pedestrian (Michael Chambers). He stated that this number of lorries is beyond what the road can carry. He also referred to the nearby woods, which contain the Robin Hood trysting tree, which is hundreds of years old. People come to see it, and it is celebrated every year by Morris dancers. The wood of course also contains numerous animals, including badgers and pheasants. He said that Kiveton Hall Farm has had previous application to Rotherham Borough Council for storage activities rejected on account of potential for noise pollution.

The Traffic Commissioner pointed out that the proposal was for operations to take place only between 7 AM and 5 PM daily.

Mr Rollinson pointed out that most of the work on the working farm is carried out during harvest time, over a period of 2 to 3 weeks. He therefore queried the need for 10 vehicles to be operated all year round.

The Traffic Commissioner said he would formulate some questions to put to the applicant.

There was a break whilst the Traffic Commissioner formulated his questions.

Questions from the Traffic Commissioner to William Hague: these, he said, would centre around the access road and the use of the centre.

Mr Hague was asked whether there had been any risk assessment in terms of conflict between vehicles and pedestrians, and whether he was aware of who used the site.

William Hague answered that he was aware of the bridleway and pedestrian access to fishing ponds. When asked how he would manage the risk to users, William Hague said he would comply with legislation, and when pressed, he said he would employ signage and clear demarcation to keep vehicles and pedestrians separate.

The Traffic Commissioner asked about the footpaths going through the farm.

Mr Hague said that the footpath is not in the primary area of activity, and that historically there had been no accidents on the site.

The Traffic Commissioner asked how many vehicle movements took place per day. Mr Hague said it fluctuated seasonally. At present he estimated that there were 1000 HGV movements per year, plus other vehicles.

The Traffic Commissioner asked what the applicant could offer in the way of noise abatement for residents who overlook the access road. Mr Hague said that there was already screening by means of leylandii trees. He could provide more, and modern vehicle technology would reduce the noise levels.

The Traffic Commissioner asked about mud on the roads. Mr Hague said that an adequate surface should mean that this would not be a problem. The Traffic Commissioner pointed out that he himself had been to the site at 8:15 this morning and nearly got stuck in the mud near the shed. Mr Hague agreed to provide an undertaking to provide a suitable road surface.

The Traffic Commissioner asked about maintenance of vehicles and where this would take place. Mr Hague said that this was the subject of contract. Major maintenance would not take place on the site, only minor maintenance. The Traffic Commissioner requested an undertaking that no maintenance apart from that which was required to make vehicles legal and roadworthy would take place on the site, and Mr Hague agreed.

The Traffic Commissioner asked about washing of vehicles. Mr Hague said that this would only be for windscreens and so on, and that major cleaning could take place off-site. They used a mobile jet wash around the farm, to clean vehicles between use. The Traffic Commissioner asked about run-off from such washing, and Mr Hague said they used soakaways and tanks.

The Traffic Commissioner pointed out that the application also included trailers, and asked whether therefore coupling and uncoupling would be taking place on site. Mr Hague said he was not sure, but in any case this could take place in the shed.

The Traffic Commissioner asked about reversing operations. Mr Hague said yes, they would be reversing, but this would not be noisy.

The Traffic Commissioner referred to the previous mention of 1000 HGV movements per year, and suggested that running 10 vehicles under this new licence would mean more such vehicle movements. He asked the reason for this apparent growth. Mr Hague said it depended on where the grain that the farm produced was destined, for example ports. He said that ten vehicles would only be in use at peak times.

The Traffic Commissioner asked whether Mr Hague was planning to consolidate the business of all 2000 acres of farmland on this site. Mr Hague said that this was in line with his current business operations.

The Traffic Commissioner asked whether Kiveton Hall Farm was already the distribution centre for the business. Mr Hague said he preferred to use the word "hub". Asked whether any change in such operations was proposed, Mr Hague said no, and that such activities are already undertaken by lorries.

The Traffic Commissioner enquired about back-runs, so the trucks would not be making return journeys empty, and wondered whether this would result in storage operations for other goods at the farm. Mr Hague said no, he would not be storing third-party goods.

The Traffic Commissioner asked whether he might in fact be storing plant at the site, to which Mr Hague said yes, he might. The Traffic Commissioner referred to the fact that Mr William Hague has another site at which plant is stored, which is an industrial site.

The Traffic Commissioner pointed out to the public present that if he refused the licence that was being requested, Mr Hague would still be free to run vehicles out of other sites.

Mr Hague agreed that yes, in principle he could, but that they are different businesses.

The Traffic Commissioner also pointed out to the members of the public that whether or not he granted the licence, it was not within his remit to control visiting vehicles.

The Traffic Commissioner requested an undertaking not to engage in storage of third-party goods on site, and Mr Hague agreed.

The Traffic Commissioner asked, if this were a transport hub, what other staff would be coming to the site. Mr Hague said that there would be the existing staff, plus seasonal workers, but this would be no different from usual.

The Traffic Commissioner pointed out that the access road was a potential problem, although less so outside of operating times. He asked Mr Hague whether he could move the access point further down the road. Mr Hague agreed that it was possible, but would not want to fix what was not broken. If he were to move the access point, that would require an application to Highways, etc.

Mr Bowler commented that if the access point were moved 100 metres further down the road, to nearer the shed, this would be welcomed. The Traffic Commissioner asked Mr Hague to give an undertaking to make an application for this.

Mr Bowler pointed out that one should also consider obtaining more information from Rotherham Borough Council about the housing plans for the land directly opposite.

Mr Rollinson was invited to comment. He quoted Mr Hague as having said that nothing had changed in 20 years in terms of the farming operations, and that the intention was for third-party operations to be replaced. In the light of that, he asked whether Mr Hague was claiming that he was now running 10 lorries a day and so on. The Traffic Commissioner corrected this, pointing out that the claim was for 1000 vehicle movements a year, with 10 vehicles being needed for the peak season.

The Traffic Commissioner asked Mr Hague how many vehicles would be required year round. Mr Hague said it would be around a third of them i.e. 3 to 4 vehicles.

Mrs Rollinson asked what would stop him using all the vehicles all year round. The Traffic Commissioner replied that this should be covered by Mr Hague's undertaking to use them for farm only business.

Mrs Rollinson pointed out that this was for replacement of the current business operations, and he does not take in business for the whole operation at present. She also stated that this year, no grain had been produced, only rape, and therefore queried the amount of storage required. The Traffic Commissioner pointed out that it was common for applicants to include a margin on their licence application. The licence that Mr Hague currently has is for 30 vehicles, yet he has only 19. The Traffic Commissioner emphasised that this application was for use "in relation to farming business". Mrs Rollinson queried the need for all year-round operation.

Mr Rollinson asked the Traffic Commissioner whether he was confident that the intention was solely for agricultural use.

The Traffic Commissioner said that he had been handed a file of invoices from third parties which, it was claimed, demonstrated the year-round operation, but he had not yet had the time to examine these.

Mr Rollinson expressed the concern that William Hague plant hire would acquire the use of the five day a week operation, and this would be a change of use. He doubted the levels of agricultural use. He drew attention to the concerns of the silent audience that was attending, which included the concern that what had been a farm would become a haulage company.

Mr Hague was invited to comment. He said that the accidents mentioned were not connected to his farm.

Mr Rollinson pointed out that his mention of accidents was not to suggest any connection with the farm, but simply to point out the Kiveton Lane is not a safe road.

In his closing submission Mr Bowler emphasised concern about the local development plan and the proposed housing, and suggested checking future plans out with the local authority. He referred to the seasonal nature of farming, the restrictions on use, potential other use of vehicles, and level of vehicle movements. He proposed that this location was a poor one for such operations.

The Traffic Commissioner closed the meeting, and said a decision would be issued in 28 days.