

The Keene Hall, Watchhouse Road, Galleywood, Chelmsford CM2 8PT

You are hereby summoned to attend a **Planning and Highways Meeting** on Tuesday, **3 December 2024** at 7.00pm in Lodge Room, The Keene Hall, Watchhouse Road, Galleywood CM2 8PT for the purpose of transacting the following business. Members of the press and public are welcome to attend.

K Wilde

Mrs Kelly Wilde
Clerk to Galleywood Parish Council
21 November 2024

Councillors: G Bonnett, A McQuiggan (Chairman), N Paul, J Potter, S Troop, J Turkentine and B Woolward

PLANNING AND HIGHWAYS COMMITTEE

A G E N D A

This meeting will be recorded.

- | | | |
|-----------------|---|-------------------|
| PH24-615 | Apologies and Reasons for Absence
To receive and approve apologies and reasons for absence. | |
| PH24-616 | Declaring Interests and Dispensations
Declaration of any 'disclosable pecuniary' interests, other pecuniary or non-pecuniary interests relating to items on the agenda in accordance with the Code of Conduct. | |
| PH24-617 | Public Participation Session with respect to items on the agenda
To allow up to 15 minutes for members of the public to make representations. | |
| PH24-618 | Confirmation of Minutes
To agree and sign the minutes of the meeting held on 5 November 2024. | (herewith) |
| PH24-619 | The Clerk's Report
To receive and note the Clerk's report as provided. | (herewith) |
| PH24-620 | Action Plan
To consider and discuss items from the report provided. | (herewith) |
| PH24-621 | Planning Applications
To consider the following application(s) received from Chelmsford City Council and submit comments by return.

a. 24/01511/FUL 3 Badgers Close
Proposed Single and two-storey front extensions
24/01511/FUL Application details | |

: www.galleywoodparishcouncil.gov.uk

- b. **24/01470/FUL** 19 Watchhouse Road
Installation of air source heat pump
[24/01470/FUL Application details](#)

PH24-622 Planning Decisions - Chelmsford City Council

Members to note the decision(s) of the following application(s):

- a. 24/05201/TPO 2 Rous Chase
T18 Oak (T1 on map) - Reduce the height and spread of the tree by up to 2.0-2.5
Granted
- b. 24/01335/FUL 471 Beehive Lane
Single-storey rear extension
Granted

PH24-623 Parking issues on Beehive Lane

Members to consider and resolve communication received from a resident.
Members to note that ECC Cllr McQuiggan has been made aware of the communication received.

PH24-624 Planning Enforcement Notices

To note the report provided.

(herewith)

PH24-625 South Essex Parking Partnership (SEPP)

To note the report(s) provided.

(herewith)

The next Planning and Highways Committee is on:
Tuesday 7 January 2025 at 7.00pm

GALLEYWOOD PARISH COUNCIL

MINUTES OF THE PLANNING AND HIGHWAYS MEETING

HELD AT THE KEENE HALL – LODGE ROOM – GALLEYWOOD

on Tuesday 5 November 2024 at 7.00pm

Formal acceptance will take place at the next Committee Meeting

Present:

Councillors: G Bonnett, A McQuiggan (Chairman), N Paul, J Potter, S Troop

In attendance: Clerk

Cllr J Turkentine

Malcolm Stuart – TEG

Four members of the public

PH24-605 Apologies and Reasons for Absence

RESOLVED that an apology for absence be accepted for Cllr(s): Woolward

PH24-606 Declaring of Interests and Dispensations

There were none.

PH24-607 Public Participation Session with respect to items on the agenda

There were three members of the public who wished to address the committee in relation to agenda item PH24-612c. Members listened to the concerns raised and agreed to take these into account when making comments to the planning authority.

Action: Clerk to share comments made to Chelmsford City Council with residents.

One member of the public wished to address the committee in relation to a planning breach made to Chelmsford City Council regarding Nationwide tower crane.

Action: Clerk to contact CCC to express concerns of the siting of a further tower crane and request a status update to be shared with residents.

On a proposal by the Chairman, it was RESOLVED to bring forward agenda item 24-612c

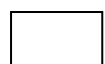
PH24-612 Planning Applications

Members considered the following application(s) received from Chelmsford City Council and submit comments by return.

c. 24/01093/REM - Land North of Galleywood Reservoir Beehive Lane Galleywood Chelmsford

Approval of reserved matters (landscaping) relating to 22/00397/OUT (Outline application for the construction of 24 new dwellings with associated parking and private amenity space. Access, appearance, layout and scale being sought. Landscaping a reserved matter.)

RESOLVED that Galleywood Parish Council has concerns to the reserved matters (landscaping) relating to 22/00397/OUT (Outline application for the construction of 24 new dwellings with associated parking and private amenity space. Access, appearance, layout and scale being sought. Landscaping a reserved matter.) and fully support the comments made by residents.



The concerns raised are due to the following factors:

DM26 – it does not provide off street parking at a ratio of one space per bedroom for properties around the access road. The Council would like to propose that the planned planting at the entrance to the development be replaced with a pathway that is flush with the road on both sides of the entrance. This would allow occupants residing in numbers 64,66,68 and 70 to apply for planning permission for off street parking and construct a driveway or hard standing to the front of their properties in addition to those provisioned within the development.

The Parish Council would like to propose that pavements are widened to allow occupants residing in numbers 72 and 74 to apply for planning permission for off-street parking and construct a driveway allowing for off-street parking in spite of the restrictive space on their properties.



DM29 – it does not safeguard the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing. The Council would like to propose that trees are planted to provide effective screening behind plots 8 and 9.

In addition, the Parish Council would like confirmation that:

- house numbers 64,66,68 and 70 are allotted the four parking spaces located nearest to their property boundary. (Green coloured spaces outlined below)
- house numbers 64,66,68 and 70 are provided with gated access from the rear of their property boundary to their allotted car parking space. (Red Circles below)
- lockable bollards are installed in the parking spaces allotted to house numbers 64,66,68 and 70 or other protective measures allowing the spaces to be reserved to the respective allocated property and providing adjacent access to the rear of their properties.

- d. lockable bollards are installed in the parking spaces allotted to house numbers 72 and 74 or other protective measures allowing the spaces to be reserved to the respective allocated property.
- e. access to Cottey House is removed from the development to reduce pedestrian and cycle traffic around the sheltered housing.

RESOLVED that the minutes of the meeting held on 1 October 2024 were a true and accurate account were signed by the Chairman.

- **Parish Map**
Awaiting response from Heritage House (Publishers) Ltd.
- **The Spinney**
Update from TEG - See agenda item 24-609
- **Twitten Green**
TEG cut the hedge along the boundary and tidy up on the borders.
- **Land off Lower Green**
Resident correspondence received via Cllr regarding farmland south of Lower Green / Roots Allotments. Resident asked if planning permission had been sought/is needed. 09.10.24 Planning Enforcement had advised the matter is currently being investigated and considered under planning enforcement case 24/00304/ENFB. The City Council are engaging with the landowners

on negotiations to reach an appropriate resolution. If any residents wish to directly receive an update, they are to submit a breach form on the CCC website. (Report a breach of planning control (chelmsford.gov.uk)).

- **Street Naming and Numbering**

Advised CCC that Lavina Mews would be suggested for the new development site on the land north of Galleywood Reservoir.

- **Walkabout around Parish**

Meeting not required - recirculated the 2023/2024 spreadsheet to Cllrs to update with their findings – see agenda item 24-611.

- **Watchhouse Shop Maintenance**

CHP advised the shop area is attended to around once per month with mulching being carried out over the winter months. They are not able to increase the level of service in this area as this would need to be funded. They do not receive any service charge income to maintain the shops and must prioritise paid for services. Any new shrub planting or other expense such as bark chippings would be dependent on other teams being able to provide a resource to cover this.

RESOLVED that community engagement would be sought to establish a working party to help maintain the planted areas at Watchhouse shops.

Action: Clerk to publish posters on noticeboards, social media and horticultural clubs within the village, to gauge interest.

- **Residents Signage**

Resident correspondence received via Cllr regarding a house sign at Myers Cough. Resident asked if planning permission had been sought/is needed. 21.10.24 Planning Enforcement had advised the matter is currently being investigated.

- **Slades Lane**

Resident correspondence received regarding overgrown vegetation and hedging which have narrowed the lane by at least two or three feet. Clerk forwarded to ECC Cllr McQuiggan to escalate to Highways.

PH24-611 Action Plan

To consider and discuss items from the report provided.

Road Safety – Provide Safer Roads and Improve Footpaths – Identify issues and potential solutions

It was noted that an ad hoc meeting did not go ahead for a walkabout around the village. In Spring 2023 Cllrs noted several areas that needed improvements which were raised with the relevant depts at CCC and ECC. These areas were rechecked by the Clerk, Admin Assistant and Cllr Shreeve in October 2024. It has been difficult to identify any action that has been completed.

Two residents did express their thanks regarding the actions undertaken by the Parish Council and the opportunity to discuss issues with councillors at the Saturday surgeries.

Action: ECC Cllr McQuiggan to review the improvements raised in Spring 2023 and prioritise under the member lead scheme.

It was noted that correspondence was received from a resident regarding Deadmans Lane.

RESOLVED that a speed review / study be requested for Deadmans Lane

Action: Clerk to communicate with Cllr McQuiggan in his capacity as ECC Cllr to request that supports the Parish Council and submits a request for a speed study to take place.

Clerk to contact the resident to request permission for ECC Cllr McQuiggan to contact them directly.

Environmental - Improve Street Scene - Maintain and improve Parish Land
Noted that the Spinney will continue to be reviewed by TEG and members.

Engagement - Communicate with Local shops/businesses and CHP – Revive the central garden area

RESOLVED that the Council continue to communicate with CHP – see agenda item 24-610.

PH24-612 Planning Applications

Members considered the following application(s) received from Chelmsford City Council and submit comments by return.

- a. **24/01335/FUL** - 471 Beehive Lane Galleywood Chelmsford CM2 8RL
Single storey rear extension
RESOLVED that Galleywood Parish Council have no objections to this application.
- b. **24/05201/TPO** - 2 Rous Chase Galleywood Chelmsford Essex
T18 Oak (T1 on map) - Reduce the height and spread of the tree by up to 2.0-2.5 metre.
RESOLVED that Galleywood Parish Council have no objections to this application.
- d. **24/01440/FUL** Pavitt Meadow, 29 Galleywood Chelmsford
Proposed single storey rear extension replacing conservatory. Partial garage conversion.
RESOLVED that Galleywood Parish Council have no objections to this application.

PH24-613 Planning Decisions - Chelmsford City Council

Members noted the decision(s) of the following application(s):

- a. **24/01240/FUL Brook Lane, 6**
Proposed replacement single storey rear extension with skylights.
Granted
- b. **24/01244/FUL Margaretting Road, Kessley**
Raise roof to create first and second floor, single storey rear extensions, with internal alterations and additional fenestration.
Refused

PH24-614 South Essex Parking Partnership (SEPP)

Members noted the September report provided.

There being no further public business to be transacted, the Chairman closed the meeting at 8.28pm

Signed Chairman

Dated

Clerk's Report Planning and Highways Committee 3 December 2024		
Item	Action Taken and Outcome	Date note closed
Parish Map	Awaiting response from CLLR AM re:Heritage House (Publishers) Ltd.	To be discussed
The Spinney	Independent inspection report from TEG forward to members Timberwise requested to carry out Independent Inspection.	Awaiting response
Land north of Galleywood Reservoir	residents advised of comments submitted to CCC	03.12.2024
Tower Crane	resident advised of update provided by CCC	03.12.2024
Deadmans Lane	Requested ECC Cllr AM support the Parish Council and request a speed review/study submission to ECC. Liaised with resident and ECC Cllr AM .	03.12.2024
Walkabout around Parish	Provided ECC Cllr AM information to prioritise under the member lead scheme.	03.12.2024
Watchouse Shop Maintenance	CHP confirmed that they are happy for Council to help maintain the planting area. Posters advertised on Facebook and noticeboards to gauge interest for help with this. One response	To be discussed

Highway Maintenance Reports – can be viewed on [365](#) Chelmsford City Council Enforcement Notices – can be viewed on [365](#)

As agreed at Full Council 18 July 2024

ACTION PLAN 2024-2025 - (Financial Year not Calendar Year)

GPC - Galleywood Parish Council, ECC - Essex County Council, LHP - Local Highways Panel, CCC - Chelmsford City Council, CHP - Chelmer Housing Partnership

Priority	Committee	SUBJECT : OBJECTIVE	STRATEGY	ACTION	OUTCOME	Notes	Cost 2024- 25	Cost 2025- 26	Cost 2026- 27	End date
		ROAD SAFETY: OBJECTIVE To make improvements and provide safer roads and footpaths in a number of identified areas of Galleywood								
	P&H		Improve footpaths	pavements and roads - identify issues and potential solutions. Maintain pressure to improve surfaces, areas of concern are monitored and reported to the appropriate agencies	Improved footpaths	Walkabout took place in Mar 2023. This was revisited in Oct 2024. Current problems reported to ECC Cllr AM	£0.00	£0.00	£0.00	ONGOING
		ENVIRONMENTAL ISSUES : OBJECTIVE Galleywood Parish Council will seek to improve the environment and facilites in the village.								
	P&H		to improve the street scene	To maintain and improve the parish land at The Spinney. Annual clearing of vegetation to take place by TEG.Regular review of the condition of the dipping platforms and walkways by Cllrs and TEG.	Keep the village looking clean and tidy	TEG and Cllrs are reviewing dipping platform weekly				
		ENGAGEMENT : OBJECTIVE To strive constantly to improve engagement across the parish.								
	P&H		Communicate with Local shops, businesses and CHP	Work with CHP to revive the central garden community area.	provide a better shopping experience	Oct 2024 CHP agreed for Council to assist in the upkeep of the garden area. Advertised to guage support for WP to be established	£0.00	£0.00	£0.00	

Approved 20 October 2022

Dear Councillors,

9 November 2024

PARKING ON VERGES AND SIDEWALKS

I am writing to complain to you about the parking of vehicles on verges that are mown regularly, and on pavements and footways around the streets in Galleywood.

I enclose a letter which I addressed to my MP Sir John Whittingdale about the subject which provides photographic evidence of recent instances of the problem.

I also attach photos of the problem in Beehive Lane, where at weekends users of Chelmer Park continue to park vehicles on the mown verges of the road.

No doubt you are aware of the Essex Act which, with the County's permission, you as Councillors of the Parish are able to prosecute those who park on mown verges illegally.

Would you please take action to avoid the damage that could be caused to the grass verges in Beehive Lane, by warning those who park there not to do so in future?

I am also appealing to the City Council Parks Department, who are responsible for maintaining the grass verge alongside Chelmer Park in Beehive Lane, to see if they are willing to prevent parking on the verge.

I would be grateful if you could consider this request and let me know what action you decide to take.

Yours sincerely,



Malcolm Lees

Planning & Highways Committee
Galleywood Parish Council
Keene Hall
Watchouse Road
Galleywood
CHELMSFORD
Essex CM2 8PT

Enclosures: 1: Letter to MP Sir John Whittingdale
2: PARKING ON VERGES IN ESSEX
3: ECC HIGHWAYS PRACTICE NOTE 035 Dec 2015

**PHOTOGRAPHS TAKEN IN
BEEHIVE LANE ON
SUNDAY 3 NOVEMBER 2024**



View SW along Beehive Lane from its junction with Skinners Lane, Galleywood



View NE along Beehive Lane from its junction with Skinners Lane, Galleywood

Dear Sir John,

14 September 2024

**PARKING OVER
PAVEMENTS/FOOTWAYS/VERGES**

I am sure you are familiar with the problem of vehicles parked across the footway or pavement in areas where there are no yellow lines etc.

I have reported a vehicle that has been outside my house, parked with two wheels on the footway (see Photograph A), to both Chelmsford City Council and Essex Police. Neither can nor have a mind to take any action against the owner.

This vehicle is not the only vehicle in my street that is similarly parked over the footway — see Photos B to G enclosed. All these photos were taken by me on the same day.

The last Government wrote to me about this sort of problem to the effect that they thought drivers ought to be more thoughtful when parking their vehicles. They depended on the good will of drivers who they thought would be more considerate of other road users and park responsibly!

May I ask you to raise the matter with the relevant Minister? Could he review the need to ensure footways are used only by pedestrians and other road users who are allowed to use footways?

I understand it is illegal to drive a vehicle over the kerb onto the footway/pavement of a road (highway), or to park on a grass verge in Essex that is cut regularly. So why is action not taken against drivers of vehicles parked over the footway?

I have contacted Essex Highways, Essex Police, Chelmsford City Council and the South Essex Parking Partnership who all say they will not take any action in the cases I have raised with them.

It seems that pedestrians don't count!

Yours sincerely,



Malcolm Lees

PHOTO A: This vehicle has been parked over the pavement like this for at least the last fortnight: it has a current owner and is insured and taxed.



Vehicle parked over pavement for last fortnight: it hasn't been moved yet.

PHOTO B



PHOTO C



PHOTO D



PHOTO E



Photos B to E were all taken on the same day (14 September 2024) in Keene Way, Galleywood.

The following photos were taken a few days ago in another street in Chelmsford and show a vehicle completely blocking the footway — parked facing a property over its dropped-down kerb, the footway, and drive into that property.



Car parked over the footway between two cars also parked over the footway



Same cars viewed differently showing the footway was completely blocked.

This last case shows that pedestrians would have had to use the carriageway to get round the three vehicles. This is clearly dangerous — especially as there are many schoolchildren in this area of Chelmsford.

Yours sincerely

Malcolm Lees



Department for Transport

Rt Hon John Whittingdale OBE MP
House of Commons
London
SW1A 0AA

From the Parliamentary
Under Secretary of State
Lilian Greenwood **MP**

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Web site: www.gov.uk/dft

Our Ref: MC/00026104
Your Ref: JW25506

11 November 2024

Dear John,

Thank you for your letter of 1 November 2024, enclosing correspondence from your constituent, Mr Malcolm Lees of [REDACTED] about problem of vehicles parked across footways or pavements in areas where there are no yellow lines. I am replying as the Minister responsible for this issue.

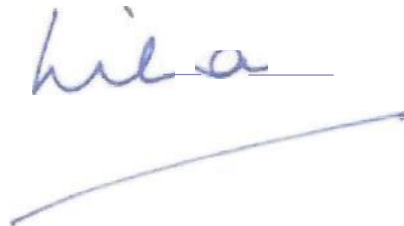
I fully understand concerns in relation to inconsiderate parking. The responsibility for traffic management generally rests with the appropriate local authority, including the provision or restriction of on-street parking, as they are best placed to consider how to balance the needs of residents, emergency services, local business and those who work in and visit the area. The Department has no remit to intervene in the day to day running of local roads.

With regards the issue of parking on the pavements, in 2020, the Department undertook a public consultation on options for changing the way pavement parking is managed outside London. The options include giving local authorities powers to civilly enforce the current criminal offence of unnecessary obstruction of the pavement; introducing a London-style pavement parking prohibition across England; and improving the Traffic Regulation Order (TRO) process by which local authorities may implement local pavement parking restrictions.

The Department's plan is to publish a formal response to the consultation, summarising the views received and announcing the Government's next steps for pavement parking policy, as soon as possible.

I am grateful that your Constituent, Mr Lees, has taken the time to write in on this all-important parking issue.

Best wishes,

A handwritten signature in blue ink, appearing to read 'Lilian', followed by a long, sweeping horizontal line.

LILIAN GREENWOOD MP
MINISTER FOR THE FUTURE OF ROADS

PARKING ON VERGES etc IN ESSEX

1. The Essex Act 1987 confers powers on Parish Councils, with the approval of Essex County Council, to deal with illegal parking on footways and verges alongside public roads.

2. Part III of this Act relates to Highways and Streets: Section 6 refers to verges of publicly maintainable roads:-

Grass verges, 6.—

(1) This section applies to any of the following land in a district which, being in, adjoining or accessible from a highway, is mown or otherwise maintained in an ornamental condition:—

(a) a grass verge, garden, lawn or green managed by a local authority; or

(b) land laid out as a public garden or used for the purpose of public recreation which is vested in a person other than a local authority.

3. Parish Councils are 'local authorities' under clause (11) of the Essex Act 1987 and as such may make it illegal to park on a verge — as defined above - alongside a highway:-

(2) (a) A local authority may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, the doing of any of the following things on land to which this section applies:—

(i) driving, riding or leaving vehicles on the land;

(ii) allowing horses or cattle to enter the land;

(iii) using any equipment provided on the land.

4. A Parish Council may not exercise this power unless it has been given approval by the County Council:-

(b) A parish council shall not exercise the powers of this section in relation to any land forming part of a highway without the consent in writing of the county council.

5. The exceptions to this are:-

(4) Notice of a prohibition under subsection (2) (a) (i) or (iii) above shall not prohibit the driving or leaving of vehicles or the use of equipment on land—

(a) by any person engaged in building operations; or

(b) by statutory undertakers, the British Railways Board or the British Waterways Board where reasonably necessary in the exercise of their statutory functions;

or

(c) by telecommunications operators where reasonably necessary for the purposes of their undertaking;

but the exemption given by paragraph (a) above is conditional upon steps being taken to the satisfaction of the local authority to minimise damage to the land and to protect persons on the land.

6. Parish Councils would have to put up notices on the verge:-

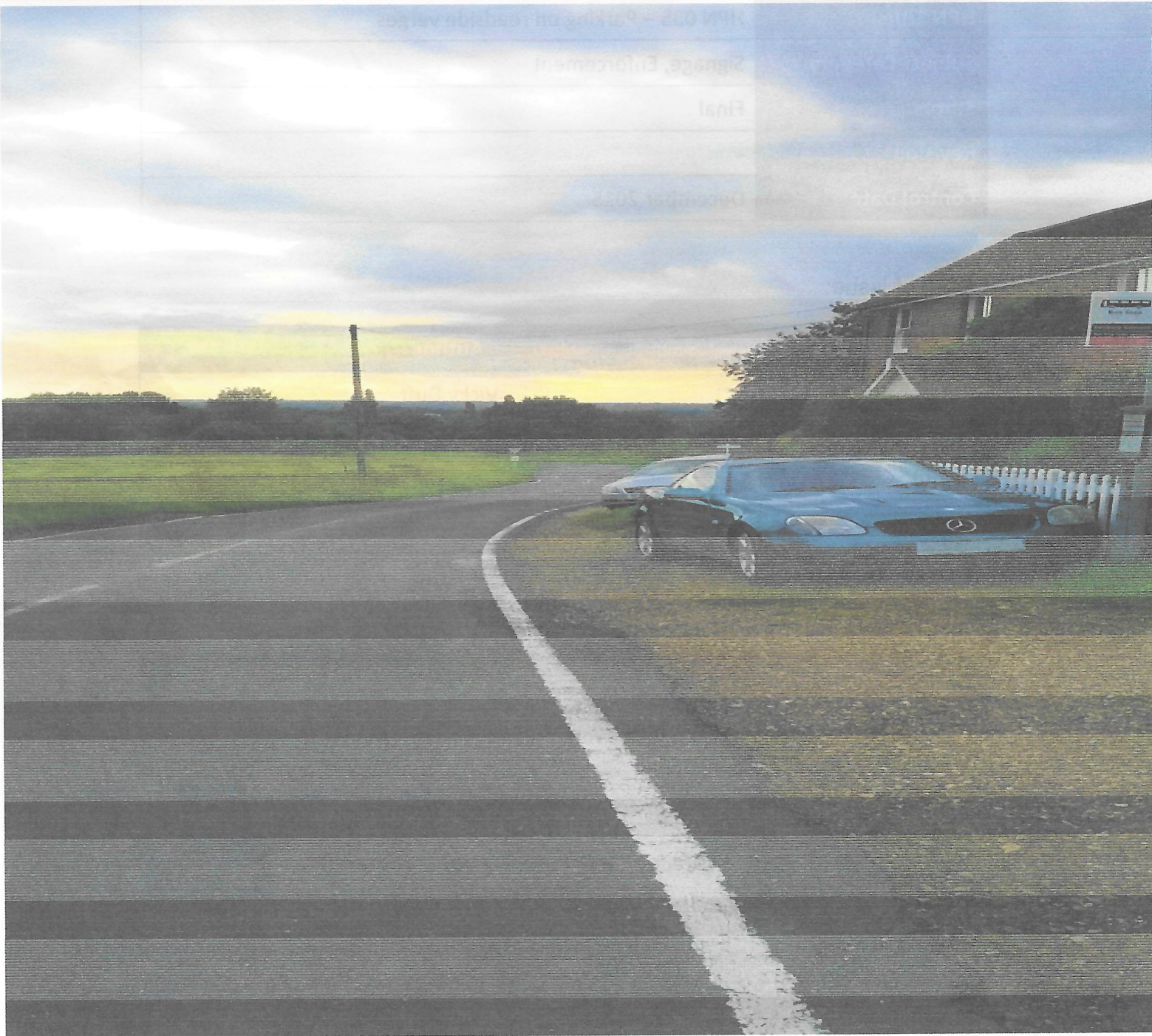
(5) (a) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

7. The signs have to comply with 'traffic signs' as defined in the Road Traffic Regulation Act 1984 and conform to regulations given under 5.65 (1) of that Act:-
- (b) Where the notice is notice of a prohibition under subsection (2) (a) (i) above and relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 136 of the Act of 1984) it shall be a traffic sign, and the erection and display of the notice by the local authority shall be subject to, and in conformity with, general directions given under section 65 (1) of the Act of 1984 whether or not they are also the highway authority
8. The Parish Council may prosecute anyone who contravenes the notice:-
- (6) A person who, without reasonable excuse, contravenes a notice displayed under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
9. Any vehicle parked illegally on the verge may be removed:-
- 7) (a) If a vehicle is left on any land in contravention of a prohibition under subsection (2) (a) (i) above, the local authority may cause the vehicle to be removed.
- (b) A parish council shall not exercise the powers of this section in relation to any land forming part of a highway without the consent in writing of the county council.
7. The exceptions to this are:-
- (a) Notice of a prohibition under subsection (2) (a) (i) or (ii) above shall not prohibit the driving or leaving of vehicles or the use of equipment on land—
- (a) by any person engaged in building operations; or
- (b) by statutory undertakers, the British Railways Board or the British Waterways Board where reasonably necessary in the exercise of their statutory functions;
- or
- (c) by telecommunications operators where reasonably necessary for the purposes of their undertaking;
- but the exception given by paragraph (a) above is conditional upon steps being taken to the satisfaction of the local authority to minimise damage to the land and to protect persons on the land.
6. Parish Councils would have to put up notices on the verge:-
- (2) (a) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

Highways Practice Note 035

Parking on roadside verges

December 2015



HPN Control Sheet & Metadata

HPN prepared by:

Vicky Duff
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HPN Title	HPN 035 – Parking on roadside verges
Subject Category	Signage, Enforcement
Status	Final
Revision	-
Control Date	December 2015

Record of Issue:

Issue	Status	Author
1	Final	Vicky Duff

Authorised by:

Name	Title	Date
Liz Burr	Head of Network & Safety / Traffic Manager	
Mark Rowe	Service Director - Essex Highways	
Paul Bird	Director for Commissioning: Transport & Infrastructure	
Cllr E C Johnson	Cabinet Member for Highways Delivery	

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2. Background

Parking particularly on grass verges can create significant problems for residents, highway users and Essex County Council as Highway Authority. Many complaints are received regarding damage and the condition of verges used regularly for parking.

The majority of roadside grass verges adjacent to the carriageway form part of the public highway and therefore come under the responsibility of the Highway Authority. It should be noted however, that in the case of roads where there was no District Council housing stock, it is often the case that the large green areas are the responsibility of the District Council's Housing Department, and in some instances large green areas may also be common land or village green.

1. Scope

To set out the legal position in relation to parking on roadside verges, and possible remedial actions that may be considered.



2. Background

Parking particularly on grass verges can create significant problems for residents, highway users and Essex County Council as Highway Authority. Many complaints are received regarding damage and the condition of verges used regularly for parking.

The majority of roadside grass verges adjacent to the carriageway form part of the public highway and therefore come under the responsibility of the Highway Authority. It should be noted however, that in the case of roads where there was or is District Council housing stock, it is often the case that the large green areas are the responsibility of the District Council's Housing Department, and in some instances large green areas may also be common land or village green.

As the Highway Authority, it is Essex County Council's responsibility to maintain safe and unobstructed verges, particularly at junctions to ensure clear visibility for road users. However, it is not an offence to park on footway or verges, unless the location results in an obstruction. It may be a contravention of a Traffic Regulation Order (TRO) if there is one in place, or if there is a byelaw in force prohibiting it. In these instances, the matter would be referred to the local police or to the appropriate parking partnership, depending upon the contravention.

It is an offence for **Heavy Commercial Vehicles (HCVs)** to park on all footways or verges, irrespective of waiting restriction, as per Section 19 of the Road Traffic Act 1988. An HCV means any goods vehicle that has an operating weight exceeding 7.5 tonnes. In this instance enforcement can be undertaken by the Parking Partnerships.

19 Prohibition of parking of HCVs on verges, central reservations and footways.

(1) Subject to subsection (2) below, a person who parks a heavy commercial vehicle (as defined in section 20 of this Act) wholly or partly—

- (a) on the verge of a road, or
 - (b) on any land situated between two carriageways and which is not a footway, or
 - (c) on a footway,
- is guilty of an offence.

(2) A person shall not be convicted of an offence under this section in respect of a vehicle if he proves to the satisfaction of the court—

- (a) that it was parked in accordance with permission given by a constable in uniform, or
- (b) that it was parked in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency, or
- (c) that it was parked in contravention of this section but the conditions specified in subsection (3) below were satisfied.

(3) The conditions mentioned in subsection (2) (c) above are—

- (a) that the vehicle was parked on the verge of a road or on a footway for the purpose of loading or unloading, and
- (b) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footway or verge, and
- (c) that the vehicle was not left unattended at any time while it was so parked.

3. Practice

A highway boundary enquiry should be made to confirm that the verge in question is indeed highway thus preventing abortive costs. A detailed location plan should be forward to HighwayRecords@essexhighways.org requesting confirmation that the land in question is highway.

If the land is highway the introduction of a Traffic Regulation Order may be considered to prevent parking on the verge.

Statutory Provisions

There are several statutory provisions that may be appropriate to instigate in order to deal with persistent issues of roadside verge parking.

Traffic Regulation Orders (TROs)

Any restrictions shown by the kerbside (i.e. yellow lines and signs) apply to the whole width of the public highway, up to the boundary of the adjacent properties including verges, unless otherwise stated in the TRO. Enforcement in Essex is undertaken by the two parking partnerships the South Essex Parking Partnership (SEPP) and the North Essex Parking Partnership (NEPP) under the Traffic Management Act 2004 within their parking and network management policies.

If parking on the verge is deemed acceptable or appropriate, but needs to be restricted on the carriageway, a TRO can be drafted to exclude the verge so that the restrictions affect only the carriageway. However, each case is considered on its merits and will be progressed by the appropriate Parking Partnership. Traffic Regulations Orders are introduced following a statutory process and must be accompanied by the appropriate signs or lines in order to give effect to the order, and enforcement is undertaken by the Parking Partnerships. If a traffic regulation order is deemed to be the appropriate course of action discussion should be held with the appropriate Parking Partnership in order to determine the time scale and extent of the problem.

Byelaws

The Essex Act 1987 section 6 creates a specific offence of parking on mown or ornamental grass verge and has been utilised for protecting large swathes of mown grass verge where parking was becoming an issue, such as The Greensward, Frinton. Extract from the Essex Act Appendix 1



However this Act is somewhat ambiguous in that the wording of the section states that it is an offence to park on an “ornamental” or mown verge. In other words the verge must be maintained to a higher standard than merely mown. **ECC does not maintain verges to such a standard and for someone else to do this task they must have requested and received a license/consent from ECC.** The Parking Partnership have begun to utilise the Essex Act and are having success with the sites so far treated under its provisions. This ability to use the Essex Act has been decriminalised and has its own code so may be used by both SEPP and NEPP. Requests for this form of enforcement to be undertaken should be made through SEPP or NEPP.

Obstruction Offence (Police) Statutory Provisions

A particular incident of verge parking may be considered dangerous, obstructive or of causing damage and as such it may constitute a criminal offence under one or other of the following statutory provisions:

Section 28 Town Police Clauses Act 1847;

Wilfully causing an obstruction to any public footpath or public thoroughfare.

Regulation 103 Road Vehicles (Construction and Use) Regulations 1986;

Vehicles causing unnecessary obstruction of the road (including verge).

Section 22 Road Traffic Act 1988;

Leaving vehicles in a dangerous position on the road (including verge).

Section 137 Highways Act 1980;

Wilful obstruction of the free passage along a highway.

Section 72 Highways Act 1835

Driving on any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers.

Section 131(1)(c) Highways Act 1980;

Deposits anything whatsoever on a highway so it would damage the highway

Allegations concerning any of the above possible offences would be a matter for the police to investigate and enforce. However, in the current financial climate consideration must be given to the prioritisation of scarce resources and these matters may not be a priority for Essex Police.

Possible options for consideration

Remedial action to either prevent or enable parking on verges needs careful consideration. Any action taken may result in unwanted parking further afield and demand for parking spaces is unlikely to be met in the majority of residential areas.

Bollards/posts

Bollards/posts and verge marker posts are only effective when their need is respected. Widespread installation, plus maintenance needs would have significant resource implications for the Council and is not sustainable. Consideration also needs to be given to the diverting of the parking problem to other areas, as can often happen when implementing restrictions such as bollards or TRO's, there is often little that can be done about this, although care must be taken to ensure that any measures are equitable. Under the Highways Act section 96 The District/ Borough, City or Parish council may apply for a license from the Highway Authority to maintain the verge as part of which they could install bollards to protect the maintained verge. The Highway Authority can install bollard to protect under its own powers. However this increases the asset and puts an increasing burden on the maintenance liability. It also often creates a problem for grass cutting increasing the time required and often requiring the use of additional cutting equipment. Any request through the Local Highway Panels (LHP) should take account of the future maintenance liability which must rest with the LHP.

Converting Grass Verges to a Hard Surface

It is possible to convert a grass verge to a hard standing surface such as grasscrete, block paving, concrete or bitmac. However, the cost of this is high and totally transforms residential areas encouraging parking, in reality it rarely provides the amount of parking required to meet demand. Request should be made through the LHP who would be responsible for future maintenance cost.




Objects placed upon verges by residents to prevent use/parking/overrunning

It is an offence to place unlawful items on the public highway. If seen or reported the Highway Authority have the right to request that the items are removed. Failing this, the authority may remove the items. (A separate Policy document is currently been prepared to cover this in far more detail)

4. Procedure

All requests for action to be taken to prevent cars parking on grass verges should be made through the Local Highway Panel (LHP), unless for action under the Essex Act when initial discussion should be held with the appropriate parking partnership. The scale of the problem will be investigated and options for possible treatment put forward, following confirmation that the verge is highway. Any implementation of a statutory restriction will require the installation of the appropriate licence or order and the installation of the correct signs/lines.

The table below details the possible signing options for protecting verges.

Restriction	Sign diagram	Example	Permitted variants	Comment
Continuous prohibition No waiting at any time on the verge or on the footway	637.1 636	 		Allows the picking up and setting down of people Needs a Traffic Regulation Order to be completed and progressed through the Parking Partnerships
No stopping at any time on the verge or footway	642 can be used in place of 636 as above		The words "verge or " or "or footway" may be omitted	Will stop the picking up or dropping off of goods and people. Needs a Traffic Regulation Order to be completed through the parking partnerships.

Use of a verge maintained in mown or ornamental condition by specified traffic prohibited				Needs to be accompanied by a Consent from ECC
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5. Linking Policy / Practice

N/A

6. Web Text - External

Essex County Council website; Service Information Centre - www.essex.gov.uk/highways

Parking issues are often the subject of local disagreement and frustration. This HPN deals with parking on verges and how that may be addressed. For information on the introduction of parking restrictions members of the public should be directed to the web sites for the North Essex Parking Partnership (Braintree, Colchester, Epping Forest, Harlow, Tendring and Uttlesford) or the South Essex Partnership (Basildon, Brentwood, Castle Point, Chelmsford, Maldon and Rochford). <https://www.parkingpartnership.org/>

7. InfoBase Text - Internal

There is no prescriptive right to park on the highway. The Highway is for the passing and re-passing of traffic (vehicular and non-vehicular). The authority to introduce parking restrictions in Essex has been delegated to a partnership between Essex County Council and twelve district/borough councils and is run in two areas; the North Partnership is led by Colchester Council and the South Partnership is led by Chelmsford Council.

Each Partnership is responsible for its area's on-street Civil Enforcement Officers ("traffic wardens"); the and enforcement process together with challenges to, and payments of, parking penalties ("parking fines") plus administration of the parking restrictions ("yellow lines") and the management and maintenance of the scheme.

Requests to deal with the parking of vehicles on highway verge can be dealt with in accordance with this HPN.

[Http://i-netapps.essex.gov.uk/InfoBase/Pages/AToZ.aspx](http://i-netapps.essex.gov.uk/InfoBase/Pages/AToZ.aspx)

8. Customer Team Text

Refer to HPN content

Appendix 1

THE ESSEX ACT 1987

Grass verges, 6.—(1) This section applies to any of the following land in a district which, being in, adjoining or accessible from a highway, is mown or otherwise maintained in an ornamental condition:—

- (a) a grass verge, garden, lawn or green managed by a local authority; or
- (b) land laid out as a public garden or used for the purpose of public recreation which is vested in a person other than a local authority

Essex Act 1987 c. xx

(2) (a) A local authority may by notice prohibit, either PART III entirely or at such times or on such days as may be specified in the notice, the doing of any of the following things on land to which this section applies:—

- (i) driving, riding or leaving vehicles on the land;
- (ii) allowing horses or cattle to enter the land;
- (iii) using any equipment provided on the land.

(b) A parish council shall not exercise the powers of this section in relation to any land forming part of a highway

without the consent in writing of the county council.

(c) A local authority shall consult the British Horse Society and the Byways and Bridleways Trust before exercising the powers of paragraph (a) above so as to prohibit the entry of horses onto any land forming part of a highway.

(3) Notice of a prohibition under subsection (2) (a) (iii) above may provide exemption from the prohibition of a child under such age as shall be specified in the notice and of any person in

charge of such a child while on the land.

(4) Notice of a prohibition under subsection (2) (a) (i) or (iii) above shall not prohibit the driving or leaving of vehicles or the use of equipment on land—

- (a) by any person engaged in building operations; or
- (b) by statutory undertakers, the British Railways Board or the British Waterways Board where reasonably necessary in the exercise of their statutory functions; or
- (c) by telecommunications operators where reasonably necessary for the purposes of their

but the exemption given by paragraph (a) above is conditional upon steps being taken to the satisfaction of the local authority to minimise damage to the land and to protect persons on the land.

(5) (a) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

(b) Where the notice is notice of a prohibition under subsection (2) (a) (i) above and relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 136 of the Act of 1984) it shall be a traffic sign, and the erection

and display of the notice by the local authority shall be subject to, and in conformity with, general directions given under section 65 (1) of the Act of 1984 whether or not they are also the highway authority.

8 C. XX Essex Act 1987

PART III (6) A person who, without reasonable excuse, contravenes a —cont. notice displayed under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) (a) If a vehicle is left on any land in contravention of a prohibition under subsection (2) (a) (i) above, the local

authority may cause the vehicle to be removed. (b) For the purposes of this subsection section 99 of the Act

of 1984 and the regulations in force under that section shall have effect as if the removal of a vehicle under this subsection were authorised by those regulations.

(8) Notice of a prohibition relating to land vested in a person other than a local authority shall not be given under this section except with the consent of that person.

(9) Where land to which notice of a prohibition under subsection (2) (a) (i) or (ii) above applies forms part of a

highway, the rights of the public over the highway, except rights of grazing cattle and horses, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall limit any right of way, public or private, over land or restrict the exercise by any person of any statutory right or right conferred on a telecommunications operator to enter upon land.

(10) Nothing in this section shall—

(a) affect the duty of a highway authority to provide margins in accordance with section 71 of the Act of

1980 (provision of margins for horses and livestock);

(b) restrict the entry by horses or cattle on any such margin;

New Complaints Received

24-624

Cases received by Parish between 01/10/2024 and 04/11/2024

Case No	Received	Nature of alleged breach & Address
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Galleywood

24/00348/ENFC	21/10/2024	Advertisement displayed without consent at Myers Cough Ponds Road Galleywood Chelmsford Essex CM2 8QP
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Current Complaints Under Investigation

Enforcement Cases received before 01/10/2024 still outstanding

Galleywood

19/00139/ENFB	02/04/2019	Without planning permission, the construction of a building at Baddow Park Farmhouse The Chase Galleywood Chelmsford CM2 7SX	Notice Issued
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22/00297/ENFB	07/09/2022	Without planning permission, the carrying out of operational development comprised in the siting of a storage container. at The Eagle Public House Stock Road Galleywood Chelmsford Essex CM2 8PS	Notice Issued
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23/00184/ENFB	28/06/2023	Material change of use of the land to a crane training centre at Unit And Yard 8 At Five Tree Works Bakers Lane Galleywood Chelmsford	Pending Consideration
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24/00219/ENFB	02/07/2024	Breach of Condition 4 of permission 99/00115/FUL (conversion and extension of a garage building) at 153 Keene Way Galleywood Chelmsford Essex CM2 8NR	Pending Consideration
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24/00304/ENFB	13/09/2024	Use of land as allotments at Land South Of Lower Green Galleywood Chelmsford Essex	Pending Consideration
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Case No	Received Nature of alleged breach & Address Status
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24/00320/ENFB 27/09/2024	Breach of Condition 2 of 24/00178/FUL (additional dormers installed) at 8 Rignals Lane Galleywood Chelmsford Essex CM2 8QT	Pending Consideration
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An investigation has been undertaken and the alleged breach of planning control is considered to be permitted development for which planning permission is not required.

24/00348/ENFC 21/10/2024 Advertisement displayed without consent at Myers Cough Ponds Road Galleywood Chelmsford Essex
Pending
CM2 8QP

Enforcement Cases Closed

Cases Closed between 01/10/2024 and 04/11/2024

Galleywood

24/00268/ENFB 12/08/2024 Erection of a fence at The Old Oaks Ponds Road Galleywood Chelmsford Essex CM2 8QP

02/10/2024

An investigation has been undertaken and it appears the breach of planning control is immune from enforcement action. This case will therefore be closed.

CHELMSFORD MONTHLY REPORT – OCTOBER 2024

Date: 04/11/2024

Technician: Rachel Andras & Carmel Purcell

NEW REQUESTS FOR PARKING RESTRICTIONS

Road	Town	Date	Request

TRO ASSESSMENTS

Road	Town	Request	Status
Various Roads (SEPP2821)	Stock	Various restrictions	Scheme approved by LO/LC
Finchley Avenue (SEPP2819)	Chelmsford	Amend RP	Assessment in progress
Moulsham Street (SEPP2817)	Chelmsford	RP	On Hold
Hullbridge Road (SEPP2815)	South Woodham Ferrers	SYL	LO/LC to make decision

PARKING REVIEWS

Road	Town	Info	Status

AWAITING TRO FUNDING

Road	Town	Scheme
Various Roads (SEPP2821)	Stock	Various lengths of DYL and extending SKC

TRAFFIC REGULATION ORDERS				
TRO Amendment No.	Road/ Location	Town	Description	Status
59	High Street	Great Baddow	DYL	Formal Consultation 17/10/24 – 08/11/24
	New Road and Barclay Close	Great Baddow	RP Mon-Sat 10am-3pm	
	Nickleby Road	Chelmsford	DYL	
Temporary TRO	North Hill	Little Baddow	24 hour No Stopping Rural Clearway	Operational 21 st June 2024 and may continue in force for up to 18 months.

LINES AND SIGNS MAINTENANCE			
Batch 21 – Funding Approved			
Road	Town	Request	Status
Maldon Road	Great Baddow	Refresh Lines	On Hold – Resurfacing Dec 24
Park Avenue	Chelmsford	Replace Permit signs	Funding approved
Moulsham Street	Chelmsford	Replace Faded Signs	Funding approved
Primrose Hill	Chelmsford	Relocate sign o/s no. 65-73	Funding approved
Samuel Parish Link, Wright Crescent, Ben Wilson Link, Alick Horsnel View, Robert McCarthy Place, William Gurton View, Grantham Drive, Beaulieu Park	Garden Community	Install additional Permit Repeater Signs	Funding approved
Ernest Webb Drive, Philip Whitehead Road, Albert Bausor Close	Garden Community	Install additional Permit Repeater Signs	Funding approved
Ernest Webb Drive, Philip Whitehead Road, Albert Bausor Close	Garden Community	Correct Signage	Funding approved
New Writtle Street	Chelmsford	Replace Faded Signs	Funding approved
Hamlet Road	Chelmsford	Replace Faded Signs	Sent to Contractor
Havencourt	Chelmsford	Replace No Loading Sign and refresh lines	Funding approved
Market Road	Chelmsford	Replace No loading Sign o/s County Hall	Funding approved
St Fabians Drive, Acres End,	Chelmsford	Install additional Permit Repeater Signs	Funding approved

Canterbury Way and Lichfield Close			
Chichester Drive	Chelmsford	Refresh Lines and Signs	Funding approved
Searle Crescent	Broomfield	Install additional Permit Repeater Signs	Funding approved
Beeches Road	Chelmsford	Refresh Lines and Signs	Signing sent to Contractor
Rainsford Lane, Coval Lane, Alma Drive, Elgin Avenue and Prykes Drive	Chelmsford	Replace faded and/or damaged signs	Funding approved
Swan Lane	Stock	Refresh SKC	Funding approved
Springfield Park Road	Chelmsford	Replace RP signs	Added
St Johns Green	Writtle	Refresh Lines	Sent to Contractor
Moulsham Street	Chelmsford	Urgent Post & Sign Replacement	Complete
Chelwater	Great Baddow	Check Lines	Sent to Contractor
Court Road	Broomfield	Check Lines and Signs	Sent to Contractor
Corporation Road	Chelmsford	Urgent Post Replacement	Sent to Contractor