

IN THE WESTERN TRAFFIC AREA



NICHOLAS JOHN GOSLING & PARTNERS – OH1140897

GOODS VEHICLES (LICENSING OF OPERATORS) ACT 1995

TRAFFIC COMMISSIONER'S WRITTEN DECISION: PUBLIC INQUIRY 24 JUNE 2026

Decision

The outcome of review into Berkeley Farm, Swindon Road, Wroughton, Swindon SN4 9AQ, pursuant to section 30 of the Goods Vehicles (Licensing of Operators) Act 1995 is as follows: -

1. The authorisation remains at 5 vehicles and 4 trailers but the operating centre is now at capacity.
2. The existing conditions at the Operating Centre remain, namely: -
 - a. Access and egress to the site from Swindon Road (A4361) shall be made in a forward gear by all authorised vehicles.
 - b. Vehicles and trailers authorised under this licence will, when in the vicinity of the Operating Centre be parked within its confines and not on the public highway.
3. The following conditions are now also attached: -
 - a. There will be no movement, operation, loading or unloading of authorised vehicles and trailers outside the hours of 07.00 and 21.00 save for three movements exiting the Operating Centre Monday to Friday between 00.00 and 01.00. During those out of hours manoeuvres, the walk around checks will be conducted such that the tractor unit/vehicle cab headlamp aim is facing the dairy buildings and not facing Swindon Road.

- b. Any exception to the 21.00 deadline must be no more than one hour later than the timed condition and only due to unforeseeable circumstances, such as a vehicle arriving late after delays due to a road traffic accident. In each case when this exception is used a full written record must be kept, including the reason and supporting evidence for the delay. Such records to be kept for 6 years and to be made available, on request, to DVSA or the Traffic Commissioner.'

4. New undertakings: -

- a. Authorised vehicles or trailers will be connected to an external power supply while fridge units are running at the operating centre.
- b. Vehicles and trailers will be fitted with broadband directional reversing alarms which will be used at all times when reversing within the operating centre.
- c. The Operator will use their best endeavours to ensure that all visiting vehicles do not reverse into the Operating Centre at any time.
- d. The Operator will formally designate a no parking area for visiting and authorised vehicles adjacent to the fence belonging to Ruth Watson at 3 Bedford Street, The Grange, Wroughton, SN4 9DF.

5. Further directions: -

- a. The Operator shall submit a revised parking plan within 7 days to show the layout implementing the above conditions and undertakings.
- b. The Operator shall within 3 months upload to VOL evidence that proper pedestrian and vehicle/trailer separation and designation is now in place at the Operating Centre to meet its obligations under Section 2 and Section 3 of the Health and Safety at Work Act 1974.

Reasons

Background

6. The full history is set out in the Public Inquiry bundle and do not repeat it here. From 2015 to 2025 Berkeley Farm was an established Operating Centre for 2 vehicles and 0 trailers. Indeed, prior to that, it was also the Operating Centre for a previous partnership within the same family. In or around 2020 there was residential development directly adjacent to Berkeley Farm known as The Grange.
7. In April 2025, the Operator applied to increase the authorisation to 5 vehicles and 4 trailers at Berkeley Farm. There was an objection from Swindon Borough Council which was ultimately withdrawn after discussions with the Operator, upon the basis that the existing condition remained. Mr and Mrs Bailey and Revd Dr Railton lodged representations, but they were late and the determining Commissioner found as described; the restrictions imposed at that time were sufficient to minimise the potential adverse impact on Mrs Bailey and Revd Dr Railton. However, that Commissioner also noted that Mrs Watson had submitted a very late representation which could not be considered by him but would be relevant to the impending review date in November 2025. That Commissioner also requested a DVSA Traffic Examiner report on the Operating Centre be commissioned at that time. The purpose of the report was to provide some objectivity into the initial paper considerations of any review.
8. That review process led to further representation/complaints from Revd Dr Railton, Mr and Mrs Bailey and Mrs Watson. The Commissioner determined that matters should be resolved at a Public Inquiry.

Hearing

9. The hearing commenced and concluded on 24 June 2026 at the Leonardo Hotel Swindon, Fleming Way, Swindon, Wiltshire, SN1 2NG. I heard oral evidence from Mr Edward Gosling on behalf of the Operator who was represented by Miss Catherine Gilder, Solicitor. DVSA Examiner Rob Lisle presented his report and he gave oral evidence. Representers Mrs Rosemary Watson and Revd Dr Railton also gave oral evidence. At the conclusion of the hearing I confirmed I would issue a written decision within 28 days, and I apologise to all parties that timescale was overly optimistic.

Approach

10. This is an existing Operating Centre. Whenever a traffic commissioner determines that an environmental review of an established operating centre is appropriate in order to consider the environmental impact of vehicle operation the reviewing traffic commissioner must carry out a careful balancing of the rights of the operator to continue to operate from an established site and the rights of local residents to quiet enjoyment of their property. This may require a detailed analysis of the evidence be undertaken to determine the precise nature of the complaints and to whom they should be directed – 2007/168 M & M International Ltd, Walker Movements Ltd and CH Walker (Transport) Ltd.
11. The local authority is satisfied that there are no safety concerns where the operating centre meets the public highway by virtue of condition 2a above and I agree. I therefore discount any representations which refer to that aspect, subject to the requirement to ensure good safety management around all operations at the yards.

Preliminary – ‘Vicinity’ and Validity of Representations.

12. Mr and Mrs Bailey and the Revd Dr and Mrs Railton live on the opposite side of the A4361 Swindon Road. The Railton’s property is directly opposite the operating centre entrance. The Baileys property is indirectly opposite the operating centre but not directly opposite the entrance. The Operator’s primary position is that they are not valid representors and seek a direction that they are not “in the vicinity of” the operating centre. Miss Gilder helpfully sets out the legal position in paragraphs 81 to 87 of the written representations. The direction is not just for the purpose of this review but would also impact any future complaints/representations.
13. I am sure that Railton’s evidence is genuinely given based on the belief of their lived experience for the most part. However, it was challenging at times to keep Dr Railton in the present. There were times where it was hard to separate complaints dating back to 2019 and 2020 with the position since November 2025. This is in part no doubt due to the period earlier in 2025 where there was extensive use of generators whilst the power supply was upgraded.
14. In my judgement, for the purposes of the current review and the future, the Baileys were “in the vicinity” up to the end of October 2025 outside 21:00 and

07:00 by virtue of the generators. With the ambient noise as it exists in June 2026, and as it will remain by virtue of the power supply, they are no longer valid representors. They are too distant considering the ambient noise of the main road and the dairy operations and passing traffic which are outside my jurisdiction. The same applies for the Railtons, save that they are valid for the purposes of the time authorised vehicles and trailers enter and leave the operating centre outside core hours.

Consideration and findings

15. The position between 2015 and 2025 is of limited value in that The Grange was only developed around 2020, and the authorisation was 2 vehicles. It follows all other movements in and out would have been visiting vehicles. I have no responsibility or power over visiting vehicles. However, it is accepted by all that a move to 5 vehicles and 4 trailers towards the end of 2025 was a material change. That said, at the point of determining the application to increase, the 2 conditions at paragraphs 2a and 2b above were determined to be sufficient.
16. At the hearing, Mr Gosling's evidence put some of the 2025 challenges into perspective. There was a period of approximately 6 months where the dairy was endeavouring to increase the electricity supply sufficient for the operations. It meant an extended period using generators, something they had not welcomed or intended. It was down to complications outside their control. By the end of October 2025 there is sufficient mains electricity for all its dairy operations, including the transport operation.
17. Additional steps have been taken to mitigate the concerns of neighbours, including steps which are for areas outside my powers and that holistic approach it is to their credit. They have recently erected a sign at the entrance to say, "no reversing", but occasionally the driver of a visiting vehicle does it. They prevent it where possible. A video was shown at the Public Inquiry of a vehicle reversing in which Mr Gosling acknowledges should not have happened. It was a visiting vehicle (noted as left hand drive) and the yardman can be seen speaking animatedly to him. The Operator does not want vehicles reversing in due to congestion and safety. It does accept that some more proactive management will be considered. They benefit from a member of staff who speaks several languages, which especially helps with the Eastern European drivers. Where one of the Operator's new driver made a mistake and

reversed in, the operator ensured toolbox talks for all drivers to remind them of their responsibilities in this regard.

18. The partnership has also taken other steps to reduce its impact on the community. It has changed some contracts, and they have invested in a larger tanker so that the movements in and out of the Operating Centre are now reduced from 80 to 52 per week. They have reviewed the parking arrangement in the Operating Centre to try and minimise the impact on neighbours and are open to some further tweaks. This has included liaising with Mrs Watson on relocating a static fridge to increase the distance from her fence where authorised vehicles and trailers park. The dairy has also introduced a booking system for deliveries. Apart from the International deliveries which are time sensitive anyway, all deliveries must be pre-booked. In addition, the driver must contact the dairy 10 mins before arrival to confirm acceptance. They are endeavouring to stagger the international collections to one on Thursday and one on Friday (instead of both on a Friday) but that is in the gift of customer need. It is an ongoing discussion.
19. Mr Gosling is adamant that no authorised vehicles are leaving at 4am. The business is a dairy and smaller electric vehicle (<4.25t) engaged in doorstep deliveries go in and out. This is usually out around 11pm and back at 6am unless they have forgotten some product. I accept that evidence. There does need to be 3 “antisocial” timed departures. This could be reduced to one or two, but it would impact drivers hours and tachograph rules. The Operator was also open to limiting the time for vehicles idling before leaving with lights on but I discount that for safety reasons.
20. In terms of actual parking, only 3 vehicles and 4 trailers are normally kept at Berkeley Farm. The milk tanker and 7.5t vehicle are always normally kept at Wood Farm. It follows changing the authorisation at Berkley Farm would not mean any actual changes on the ground.
21. In terms of the deadline of 21:00 for operations, the Operator sought a figure of 7 arrivals between 21:00 and 22:00 per calendar for ‘unforeseen’ circumstances. This is somewhat arbitrary for something ‘unforeseen’. I have therefore amended the wording to that usually used by Traffic Commissioners in such circumstances. If I have missed something, then Miss Gilder has 14 days to make submissions.
22. There was reference to noise made by forklift trucks on gravel. Mr Gosling confirmed they have standard not rough-terrain forklifts and therefore this perception of noise is invalid. In any event, in so far as this is within my

jurisdiction i.e. loading and unloading authorised vehicles and trailers, it is covered off by condition 3a.

Conclusion

23. The Operator acknowledges that Berkeley Farm is now at authorised vehicle and trailer parking capacity and the 5-year plan is to move all operations to Wood Farm if possible. That of course comes with its own challenges. At the hearing I endeavoured to facilitate relevant discussion and understanding between all parties, noting the very difficult and limited jurisdiction traffic commissioners have - particularly with an existing operating centre. I also explained to the representors and observers some of the wider safety aspects of operator licensing such as preventative maintenance inspections, driver daily walk around checks and the importance of not interrupting rest breaks for vehicle movements. This included the ability to check times vehicles arrive and leave through tachograph data to monitor compliance with conditions. I hope that this wider context helps them understand a traffic commissioner's jurisdiction.
24. In my judgement, the proposed decision set out in paragraphs 1 - 5 above represents a fair balance between the competing interests whilst giving appropriate and proportionate consideration to the type of operation and legal position.

Addendum

25. On the day I dictated this decision, an email was received from Mrs Watson but have not taken that into account as it was too late in the day. However, I would like to acknowledge the time, and energy Mrs Watson has given to represent the interest of the Grange as a whole and not just her own. Mrs Watson has worked tirelessly. Whilst some of her efforts have been outside my jurisdiction or too late, she has retained an open mind throughout. It is to her credit that the vast majority of what is in this decision she had agreed as far back as 2 February 2026.

A handwritten signature in black ink, appearing to read 'Sarah Bell' followed by a period.

MISS SARAH BELL

TRAFFIC COMMISSIONER FOR GREAT BRITAIN

14 August 2026