

Response of the RHA to Kent County Council Consultation

HGV parking ban scheme

11 June 2021

Summary of the consultation

Kent County Council are consulting on making permanent the current temporary ban on lorry parking throughout East Kent.

The ban was put in place to deal with potential disruption in the county because of Brexit. It was agreed with the Department for Transport that the temporary ban would be for 6 months, however when put in place Kent County Council made the Temporary Order for 18 months, the RHA objected to this underhand extension at the time.

There are a few exemptions from the ban at a handful of lay-bys on parts of the A249 and A299, for loading, unloading and the taking mandatory 45-minute breaks. Enforcement is through a Penalty Charge Notice usually followed by clamping.

This consultation closes on the 3rd July 2021 and we encourage all Goods Vehicle operators to respond [here](#).

The RHA opposes the continuation of the bans proposed by the Council. The plans act against road safety, are unjust and fail to address the underlying shortage of essential facilities for lorry drivers.

Background about the RHA

1. The RHA is the leading trade association representing road haulage and distribution companies who operate HGVs and van commercially. Our 7,200 members operate near to 250,000 HGVs out of 10,000 Operating Centres. Members range in size from single-truck firms to those with thousands of vehicles.
2. These road transport companies provide the people and businesses of the UK with the goods upon which we all depend. From food and clothing through to medicines, car parts and construction material.
3. Without lorries and vans delivering good to businesses and consumers the economic and social wellbeing of the country would be seriously impacted.
4. Recently the RHA has initiated a coach operator membership for those operating non-scheduled passenger services using vehicles with a capacity of more than 16 seats.
5. The RHA proactively encourages a spirit of entrepreneurialism, compliance, profitability, safety and social responsibility. We do so through a range of services, such as advice, representation, and training.

General Comments

6. **The RHA opposes the plan of Kent County Council to make the parking restrictions permanent.** The plan disregards the need for parking by lorry drivers to ensure road safety for all road users and a reasonable working environment for drivers. The ban is an attack on the dignity of drivers who day in and day out deliver the goods that the people and businesses of Kent need.
7. This continued officially sanctioned hostility towards lorry drivers and haulage operators is unacceptable.
8. Throughout the pandemic Heavy Goods Vehicle Drivers and Road Freight operators continued to work seamlessly keeping UK PLC, Kent residents and Kent businesses supplied with essential products. We believe Kent County Council is treating the Road Freight industry and lorry drivers with total contempt.
9. The entire road network and infrastructure including laybys are the workplace of the Road Freight industry. We strongly oppose measures which remove or reduce the ability for lorry drivers to stop when the need, for any reason, arises.
10. HGV drivers need to be able to park safely & legally so they can manage arrival times at a delivery and collection points. It is impossible with an unreliable road network to arrive dead on time every time without having to park up for short periods. The alternative instead of parking and waiting in a legal & safe place is to drive around aimlessly, wasting fuel & creating unnecessary CO2 emissions, until the loading bay is ready to for the load. This is environmentally detrimental and adds unnecessary congestion and air quality issues.
11. **The reasons given by the Council to justify the continued bans are untrue.**
12. The Council state the reasons for the ban are:-
 - Avoid the danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising
 - Introducing the restriction to preserve the amenities of the area of which the roads run
13. The first point about dangerous parking is bogus, dangerous parking is a totally different issue, with different actions required. It is inappropriate to clamp a dangerously parked vehicle as the Council plans, this shows that the reason given by the Council as a safety measure to “avoid danger” is untrue.
14. We believe the ban increases danger on the road as it reduces safe places to stop (which is where Council enforcement is targeted) and it encourages drivers to continue driving when tired. We believe is hypocritical of the Council to continue this this anti-road safety measure as it is in conflict with the Councils own Vision Zero: The Road Safety Strategy for Kent.
15. The second point about “preserving the amenities” is also false. Provision for some parking is designed into the road network, it is in itself an essential amenity. The



underlying problem is that there is insufficient parking for lorries and insufficient facilities for lorry drivers. Kent County Council and its local authorities have failed to address the lack of parking for decades. There is a widespread belief that the Councils in Kent have been actively hostile towards the provision of lorry parking facilities and have been obstructive through planning processes.

16. **These measures are disproportionate and unnecessary, there is no evidence provided by the Council to justify the bans.**
17. Kent County Council introduced this Traffic Regulation Order restricting parking by Heavy Goods Vehicles on 4th January 2021. The stated purpose was to assist with anticipated Brexit issues arising as the result of cross channel traffic being unable to cross the short straights. The plan, confirmed by the Council, the Department for Transport and Government Ministers was that the restrictions would be temporary and would end at the end of June 2021.
18. We believe Kent County Council misrepresented their original restrictions and are in effect abusing a process that was stated that it was explicitly to deal with Brexit.
19. Kent County Council have not provided an Impact Assessment in relation to the bans. The Council has not considered the impact on road safety, nor have they considered the impacts on businesses, jobs, worker health and stress. They have failed to consider the impact of these measures on neighbouring areas and have put forward no alternatives to the bans. In short, they are ignoring the impact on all those negatively impacted by the measure.
20. Kent County Council have totally neglected the needs of Road Freight sector, its employees and its customers, despite the importance on a national and local level.
21. **We see the impacts already.**
22. Our members already experience difficulty operating in Kent as the result of these measures and the lack of parking facilities for lorries. Drivers must be able to rest (it is a legal requirement), they need to be able to stop without fear of being issued with a PCN, or clamped. This is a quote from one member, "On many an occasion we have had to park up further up the road through fear of not being able to make it back to our depot. We have had delivery points in Kent screaming for their stuff and when we explain to them that yes we can get to you, but we cannot stop in Kent overnight they think it is madness, which I have to agree with".
23. The drivers of Heavy Goods Vehicles are subject to mandated rest periods and breaks, these can vary between 15 minutes and 40 hours depending on the circumstances. Lay-by's and driver rest areas are essential components of our road safety system. They allow tired, or unwell drivers to stop and rest. This parking ban prevents drivers from being able to stop if the need or other emergency arises. Drivers may need to stop to tighten load straps and check their load is secure, or deal with a vehicle defect.
24. In the event of unforeseen circumstances, for example where a driver is delayed, they may need to take a break, this must be done as soon as practically possible. Our members have already experienced running out of driving time as the result of closures on the M25 and other disruptions.

25. **The need for lorry parking is well established.**
26. In 2018 the Department for Transport published the National Survey of Lorry Parking. It claimed that the parking shortage in the South-East of England was “serious”, in fact utilisation of existing formalised off-road parking was 1% away from being considered “Critical” at that time.
27. In June 2019 Highways England published their Lorry Parking Demand Assessment. It highlights that the “South-East, specifically the County of Kent” has a significant demand for additional supply of rest areas.
28. Despite the survey and study the parking situation continues to deteriorate in Kent without solutions being found, or promoted, or supported by Kent County Council. This parking ban further compounds the problems for drivers and companies, it does not help solve the problem.
29. All Kent businesses require and rely on the delivery and collection of goods and materials to operate. Heavy Goods Vehicles are the most economical and efficient way of transporting these goods in the overwhelming majority of circumstances.
30. The RHA has supported many planning applications for Lorry Parking sites, the most recent being in Swale. The planning application was sound, but was rejected by Swale Council for (in our opinion) no good reason. This scenario has been repeatedly played out across Kent.
31. The Kent County Council clamping practise, authorised and condoned by the Department of Transport, has not always been conducted in the ways stated by the council. This creates further concern for use over the inappropriate use of these extended powers.
32. We have another member based in Kent who was parked on their property, outside their premises, with a time critical load destined for a Highways England project which was clamped preventing it from being moved. We have numerous emails from Kent based members who tell us that their business is under threat as the result of this TRO.
33. Kent County Council must urgently facilitate more lorry parking and driver rest facilities in Kent. All food, medicine and other essential goods, at some stage of the journey, are delivered to Kent residents by Road Freight. Kent County Council must ensure that adequate parking provision is available, not impede the Kent economy with this parking ban.
34. Kent County Council have done virtually nothing in five years to improve the situation.

Response to the Question

Question 1. Please tell us if you wish to support or object to this Traffic Regulation Order to introduce a prohibition of waiting 24/7 on all roads for Prohibited Vehicles of 5 tonnes and over across the following Boroughs of Ashford, Maidstone and Swale and the Districts of Canterbury, Dover, Folkestone & Hythe and Thanet.

35. The RHA vehemently opposes this Traffic Regulation Order. The reasons are outlined in our general comments, in summary the reasons we oppose the TRO are;
- The ban is not justified, it does not support the reasons the Council gives for introducing the ban;
 - The Council has not assessed the full impacts of the measure and it ignores the wider impacts on society:
 - it demeans lorry drivers and ignores their needs;
 - takes no account of Health and Safety requirements;
 - creates dangerous and potentially deadly driving scenarios;
 - puts other road users and Kent residents at risk;
 - increases the likelihood of collisions;
 - is anti-business – especially SME;
 - creates additional inflationary operating cost for operators on many fronts, in particular creating a hostile environment that undermines recruitment and retention of drivers and;
 - promotes irresponsible, sometimes illegal, and “cowboy” Parking Charge Notice and clamping practises.

Final Comments

36. The Department for Transport supported the Kent Lorry parking ban with an Experimental Traffic Order that created special rules around clamping, they approved a higher clamp fee and “clamp first time” policy for six months. The reason the Department had for doing this was also to support the contingency measures to deal with potential disruption as a result of Brexit.
37. At the time the RHA said that we felt this was not needed for Brexit and that the Kent County Council motivation went beyond the of the end of the transition period. However we recognised that the Government has to prepare for the worst case so we understand why it was proceeded with, the Department felt that the measure could be justified.
38. It is clear now that those special arrangements around clamping and fines that are due to end on 30 June 2021 are not required to deal with potential post-Brexit disruption. The Department for Transport need to confirm clearly that there will be no extension to the “clamp first time” policy that has been used in Kent.
39. We also wish to highlight that this plan contradicts other plans and strategies of the Council. Kent County Council recently consulted on their Vision Zero plan. This is a road safety initiative intended to reduce casualties as the result of collisions. The

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Kent parking ban conflicts with the Kents own road safety and collision reduction policy.

40. The Kent Freight Action plan states, *“We recognise that the freight transport industry makes a significant contribution to Kent’s economy and the United Kingdom (UK) as a whole and it is therefore important to recognise both the need for Heavy Goods Vehicles (HGVs) to use the highway network and the positive economic benefits this brings.”* The Kent parking ban conflicts with this statement in their own Freight Action Plan.
41. Kent County Council have consistently failed to maintain lay-by facilities and failed to facilitate sufficient driver and lorry parking facilities. Contingency planning lessons have not been learnt following the My Ferry Link dispute in 2015, Christmas 2020 evidenced this neglect. We see the real reason this TRO was created, appears to be a misguided desire by Kent County Council to prevent Heavy Goods Vehicles operating in Kent and to create a hostile environment for lorry drivers.
42. The Kent Freight Action plan goes on to say, *“KCC is developing a strategy for a network of small lorry parks at locations across Kent. In June and September 2016 surveys were undertaken into overnight HGV parking across the county in order to gain a comprehensive picture of unofficial (on-highway) HGV parking in Kent and identify the types of freight vehicles, nationality and location of parking. The surveys identified Swale as the district with highest proportion of inappropriately parked HGVs, with a large number parked in close proximity to Sheerness Port, Ashford and Tonbridge and Malling districts (along the M20 corridor) had the next largest amount with Tunbridge Wells and Thanet having the least as shown in the tables. The surveys showed a snapshot of the overnight parking demand in Kent; however it is acknowledged that the results are likely to be an underestimate. The data captured will help KCC understand where lorry parks are required; the quantity of spaces needed and therefore recommend suitable locations for lorry parks in the county.”*
43. Swale has refused a lorry parking site. Aside for allowing the expansion of Ashford Truckstop, Kent County Council have done nothing effective to solve the parking problems for lorries in Kent.
44. Roads need to be managed by authorities taking account of the needs of all road users. Kent County Council is failing to do this, targeting and discriminating some road users, in this case lorry operators and drivers. The use of this Traffic Regulation Order must be urgently rescinded on, or before 30th June 2021, to allow drivers to stop when they need to.

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