

| <b>Cabinet Meeting</b> |   |
|------------------------|---|
| <b>Meeting Date</b>    | 20 March 2019   |
| <b>Report Title</b>    | Lorry Parking within the Borough  |
| <b>Cabinet Member</b>  | Leader  |
| <b>SMT Lead</b>        | Mark Radford, Chief Executive   |
| <b>Head of Service</b> |   |
| <b>Lead Officer</b>    |   |
| <b>Key Decision</b>    | Not at this stage   |
| <b>Classification</b>  | Open  |
| <b>Recommendations</b> | <p>1. That Cabinet give authority to officers to explore further with Canterbury City Council, Kent County Council and Highways England potential options for lorry parking within Swale.</p> |

## **1 Purpose of Report and Executive Summary**

1.1 This report is presented to Cabinet to enable further background work to be undertaken by officers to identify whether there are any opportunities to avoid the inappropriate lorry parking on both the strategic highway network as well as locally in unsuitable commercial and residential locations.

1.2 Kent has an urgent and unmet need for official lorry parking facilities. Legal requirements on drivers necessitate regular rest breaks and it is common for these to be taken in Kent either before or after making the Channel crossing at the Channel Tunnel or Port of Dover. This causes a proliferation of unofficial and inappropriate lorry parking on Kent's roads, the damaging effects of which are felt by our residents – noise and air pollution from refrigeration units, anti-social behaviour and littering, negative road safety impacts, and damage to verges and kerbs.

## **2 Background**

2.1 Members will be aware of the difficulties experienced across the Borough with inappropriate lorry parking in laybys on the strategic road network and in unsuitable commercial and residential locations.

2.2 Whilst there are borough wide areas where laybys are almost exclusively used by lorries, which gives rise to health and safety concerns for other vehicular traffic in particular on the A249, there is a specific issue along the M2/A2 corridor. The Leader has had initial discussions with Canterbury City Council given the mutual interest in

exploring potential solutions. Canterbury City Council are experiencing similar issues with lorry parking in laybys along the A2 corridor in their borough. There appears to be a common desire to consider options that could alleviate the problems being experienced by our communities.

2.3 As a result a preliminary meeting with all interested parties was convened. At the same time Kent County Council have been seeking to address similar concerns on a countywide basis. They recently commissioned work to identify potential sites for commercial lorry parks that the private sector might be interested in developing and operating, targeted at where the problem was most acute and where there is a lack of existing official lorry parking provision. An area near Brenley Corner is one under consideration.

2.4 Members will appreciate that any proposal of this type results in a number of considerations and interdependencies. In certain circumstances it may be possible for local authorities to take a longer term view in terms of payback on investment. In addition there is the need to, amongst other things to:

- a) develop and assess the financial and business case,
- b) ensure that any planning concerns are addressed
- c) understand any legal implications and land title issues and
- d) ensure that the appropriate enforcement arrangements in place.

2.5 In relation to d), alongside the provision of any lorry park is the need to have robust enforcement and the experience of recent Ashford Borough Council (ABC) needs to be understood. To enforce you have to show that there is dedicated lorry parking provision to send lorries to. ABC do this currently via an experimental traffic regulation order which includes an overnight parking ban in the designated 'exclusion' area, first time clamping and a 45 minute grace period if required to move lorries on. Lorries are only moved on where space is available in the dedicated lorry parks.

2.6 Highways England (HE) are looking nationally at a network of lorry parks but no details are currently available. HE have also carried out what they call a "Public Information Exercise" on how to avoid Operation Stack and the wider problem of overnight lorry parking.

2.7 Modelling will be critical to ensure that any location works. This is important given current levels of congestion at peak time at Brenley Corner and other preliminary traffic factors that are becoming apparent through the Local Plan process.

2.8 The Ministry of Housing, Communities and Local Government (MHCLG) has made positive changes within the National Planning Policy Framework (NPPF) to promote the need for overnight lorry parks nationally. Paragraph 107 of the revised NPPF now states

*"Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres*

*should make provision for sufficient lorry parking to cater for their anticipated use.”*

2.9 This has already returned positive results with the Cobham Services (M25) and Corley Services (M6) being granted lorry parking expansions at appeal despite being located within the Greenbelt. The inspector ruled in both cases that the need for overnight parking was greater than the loss of land within the Greenbelt. The revisions to national planning policy will weigh in favour of future applications for lorry parking within Kent.

### **3 Proposals**

3.1 Members will understand that discussions are at a preliminary stage and consideration of a proposal of this type requires a detailed understanding of all the issues given the length of any lead in time to take any proposal through the planning process and construction. This is a matter that both councils wish to see progressed as soon as possible. As the pre-election period approaches it is felt that matters should not be put on hold and the proposal is that Cabinet give authority to officers to explore further with Canterbury City Council, Kent County Council and Highways England potential options for lorry parking within Swale. This would enable further background work and due diligence to be undertaken so that a further report can be presented to Cabinet as early as possible in the new civic year.

### **4 Alternative Options**

4.1 Do nothing – this is not recommended as there is clearly a matter of mutual interest between the two councils. The proposal enables further detailed investigation and analysis to happen and avoids any potential delays.

### **5 Consultation Undertaken or Proposed**

5.1 The initial meeting with Canterbury CC, Kent CC and Highways England established the potential way forward. Consultation will be considered further if a detailed option is agreed.

### **6 Implications**

| <b>Issue</b>   | <b>Implications</b>   |
|----------------|---|
| Corporate Plan | Any proposal to alleviate inappropriate lorry parking would contribute to the corporate plan priority of delivering improved quality of life for both residents and businesses currently affected |

|                                       |   |
|---------------------------------------|---|
| Financial, Resource and Property      | Any proposal will need to be supported by a fully costed business case which would need to demonstrate a reasonable payback period and return on investment, potential sources of funding and a risk analysis.  |
| Legal, Statutory and Procurement      | The nature of any option going forward is likely to be complicated and it will be essential that appropriate legal advice on any emerging models of delivery is sought early on in the process. The issues of any supporting enforcement regime will need to be developed having regard to statutory powers. If the matter progresses to planning application stage then there will be a need to ensure that there is clear delineation between the Council as a potential joint promoter of any scheme and the Council as Local Planning Authority.<br><br>The title to the land will need to be investigated. |
| Crime and Disorder                    | Any proposal will positively affect the council's commitments in the current community safety strategy in relation to the reduction of anti-social behaviour which is often associated with unauthorised lorry parking.   |
| Environment and Sustainability        | The potential provision of a dedicated lorry park should minimise the environmental impacts of current inappropriate parking. A lorry park is likely to have a marked positive impact on litter around the high speed roads and could create a saving on current street cleansing costs.  |
| Health and Wellbeing                  | None identified at this stage.  |
| Risk Management and Health and Safety | Risks will be considered as part of any business case.  |
| Equality and Diversity                | None identified at this stage.  |
| Privacy and Data Protection           | None identified at this stage.  |

## 7 Background Papers

**None**