

<b>Community and Leisure Committee Meeting</b>	
<b>Meeting Date</b>	11 December 2024
<b>Report Title</b>	Overnight vehicle issues at Locations across Sheppey
<b>EMT Lead</b>	Emma Wiggins, Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Martyn Cassell, Head of Environment and Leisure
<b>Lead Officer</b>	Martyn Cassell, Head of Environment and Leisure
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. Permission is sort to go out to public consultation on the preferred option or range of options as set out in appendix I.</li> <li>2. Affected Parish Councils are included in the consultation.</li> <li>3. That officers explore the use of CCTV provision to protect these assets.</li> </ol>

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

- 1.1 This report details a range of issues of overnight parking at Shingle Bank, Minster and Shellness, Leysdown. It identifies potential solutions and requests permission to go out to formal public consultation. Members are asked to debate the issues and consider the options.

## **2 Background**

- 2.1 In recent years, a number of complaints have been received from members of the public, Borough and Parish Councillors, regarding the presence of a large number of motorhomes, campervans and caravans parked along the Shingle Bank 'sea defence' in Minster and at Shellness in Leysdown.
- 2.2 The Shingle bank defence, owned and maintained by the Environment Agency, has become a popular location for visitors in large motorhomes/caravans, many of whom park for several days but some of which can be present for weeks if not months. This is contributed to further by those without permanent homes and effectively 'living' in these areas.
- 2.3 Enforcement of this long-term parking demands a considerable resource from Environment Wardens, who must balance this resource against other statutory service demands. Illegal encampment legislation is complicated and lengthy court

processes are required, which often deliver low level penalties that do not deter future breaches.

- 2.4 To date, a considerable amount of expenditure has been used on installing and maintaining physical measures to create a width restricted access to the main section of the Shingle Bank. This has reduced the number of vehicles at their peak, however regrettably all of these measures have been met with varying degrees of vandalism by those driving larger vehicles wishing to continue to gain access to this area. As an example, since the latest reinforcements consisting of metal posts were introduced to the width restrictions, they have been cut with an angle grinder to allow access by larger vehicles. Consideration would therefore be needed for temporary/permanent CCTV coverage of the site.
- 2.5 The complaints received vary in content (see appendix II) but include comments from other users of this area that they feel intimidated and threatened by some of the vehicle owners, complaints that the presence of a large number of vehicles impacts on the aesthetics to the area, and complaints around litter generated by some and concerns around the methods of disposing of toilet waste from these vehicles.
- 2.6 Conversely, owners of the vehicles who regularly enjoy the use of this area have complained that the width restrictions are unnecessary, that they are respectful of the area and other users, and that the Council are preventing them from the enjoyment of this publicly used area.
- 2.7 The preferred option to address the issues at Shingle Bank will depend on the desires and preferences of Members, therefore this report sets out a number of options, each with their own positive and negative impacts for consideration.
- 2.8 At Shellness, similar problems have occurred. There is a stretch of off-road informal parking located just past the coastal park and beach huts in Leysdown. The informal parking is directly next to the main road up to Shellness and sits in SBC ownership rather than KCC Highways, so is treated as off-street parking. It was historically a very poor, rough concrete surface but people used it for free parking directly next to the sea wall, with a good view. Over the years larger motorhomes and caravans have parked up there, taking up lots of space and staying for long periods. In its peak over 100 vehicles could be found there.
- 2.9 Similar to Shingle bank, a number of measures were also taken to try and resolve the problems at Shellness. Wooden bollards were placed on one side of the road to stop vehicles parking on the grass verge. Then a few years ago, roughly £30k was used to repair the surfacing, mark out informal parking bays and put further wooden bollards in areas where the width was too small to accommodate vehicles. These measures have improved the situation, but not solved it completely. We also need to consider other areas to effectively control overnight parking such as at Barton's Point and other locations.

## **Engineering Solution – Setting Blocks into Excavated Shingle**

- 2.10 This option would be to maintain the existing width restriction at the Shingle Bank and would consist of removing the existing concrete blocks and remaining stubs of the metal posts, excavating the shingle material to a depth of around 300mm, and then setting the blocks back in position before backfilling the material around them.
- 2.11 By sinking the blocks into the shingle material, this should make the displacing of the blocks to allow unauthorised access by wider vehicles far more difficult. Any impact on the integrity of the sea defence would need to be understood further and agreed with the Environment Agency.
- 2.12 It is estimated these works will cost around £5,000 as specialist plant will be required on site to lift the heavy blocks out of position prior to excavating.
- 2.13 The remaining sections of the metal posts that were cut off will also require excavating out as they were encased in concrete to prevent their removal.
- 2.14 As the concrete blocks on the road-side of Shingle Bank are in close proximity to the bank, there may also be a requirement to install a concrete base for these blocks to prevent them slipping down the bank.
- 2.15 The advantage of physically managing vehicle access and parking to the Shingle Bank is that this controls the size of vehicles using this site. However, a width restriction has limitations in terms of what it can and cannot achieve and will not address some of the other complaint issues around the long-term parking by smaller vehicles.

## **Reinstatement of Parking Charges for Shingle Bank and new charges at Shellness, Leysdown and Barton's Point Coastal Park**

- 2.16 An option that could be considered is to re-introduce parking charges for the Shingle Bank and place new restrictions at Shellness. This could either be all day charges or simply an overnight charge. Day time charges would impact the general usage of the area by residents for leisure pursuits and this use does not appear to be the concern of those reporting issues. If it is an 'overnight charge' only, then restrictions could be put in place at varying times as can be seen in the public consultation document.
- 2.17 It should be noted that charging in any location creates displacement of vehicles. Those not wishing to pay will move to other areas of the island in search of a free solution, therefore each of the locations mentioned (and some others likely to be impacted such as Bartons Point coastal park) need to be dealt with in tandem.
- 2.18 Many years ago, Shingle Bank was a paid parking location during the day and was subsequently removed from the Traffic Regulation Order due to several factors.

- 2.19 The pay unit was regularly vandalised which costed significantly more to repair/replace than the income the car park was generating. The constant attention required to manage the facility placed a significant burden on the efficiency of operational parking staff resources across Swale.
- 2.20 As vehicles were rarely unattended by the owners (unlike a traditional car park where people tend park their vehicle and walk somewhere else for a period of time), most visitors did not pay for parking until a Civil Enforcement Officer was seen on site. When charging was in place, a daily average of only 2.6 transactions were recorded throughout the 2014-15 financial year.
- 2.21 Due to the remote location, signage was regularly vandalised or removed and discarded into the sea, making parking enforcement challenging as signage setting out the terms of use is a requirement of Civil Parking Enforcement law.
- 2.22 To combat difficulties with pay unit vandalism and security, cashless only transactions has been suggested as an alternative. This would also allow greater control over any restrictions put in place around length of stay.
- 2.23 However, cashless parking operation and enforcement relies on good signage throughout the car park, so a cashless solution is unlikely to facilitate any improvement on the issues previously seen in the area. CCTV would need to be a consideration if charging was considered.
- 2.24 Due to the location, Civil Enforcement Officers faced significant levels of abuse and physical threat requiring police support and attendance to complete patrols even during the daytime. The council are unable to deploy resources into an unsafe location and the public abuse and physical threat to Council officers and its agents will likely remain a problem at this location going forward. As a result, enforcement is likely to mirror that seen previously, being irregular and inefficient with costs far outweighing any income received, and with limited impact seen on inconsiderate parking.
- 2.25 It must therefore be risk assessed and will likely result in the need for multiple officers to attend together, taking up more existing resource or costing more by the purchase of additional hours. It is important to consider that enforcement to Shingle Bank under the current Civil Parking Enforcement contract, will require additional deployment hours charged at £31.24 per deployed hour to ensure that other key areas of off-street and on-street enforcement are not reduced. A trial of enforcement would be recommended to allow a review of success after a suitable period of time.
- 2.26 As mentioned above, there is also a consideration on the types of vehicles that should be allowed. Caravans without suitable vehicles for towing tend to suggest longer term stays and vehicles without in-built toilet facilities could be questioned around the environmental impacts evidenced in the complaints.

- 2.27 The same issues apply at Shellness. Threats to pay unit security and people only paying when a CEO is seen, mean it is unlikely we will take enough income to cover the operational costs of enforcement. Any attempts of signage or markings on the sea wall have been vandalised previously, so it is unlikely we would be able to enforce consistently and get many successful Penalty Charge Notices (PCNs).
- 2.28 Members need to consider Barton's Point Car park as well which is currently free and may suffer from displacement. The car park does have a barrier to control access and it could be agreed with the café operator to close the barrier when they are not operating. Alternatively overnight charges could be considered there as well, although this would need further consideration due to the ecological impacts in that location not supporting overnight stays.
- 2.29 Finally, through consultation with many of the owners of the motorhomes/campervans over the years, their main motivation is a free location.
- 2.30 During the Area committee debate detailed in section 5, some users said they would pay, but only if the facilities were provided to warrant a charge e.g. toilets/showers/chemical toilet disposal etc. Each of these would require considerable capital investment as the main utilities are not known to be available in the two locations and investigations would be needed to see how close these were.
- 2.31 Based on all of the challenges mentioned above, we therefore do not expect this to generate a large income, certainly not enough to cover operational and capital costs. A decision to charge overnight would therefore likely increase the costs to the council's budget.

### **Use of Illegal Encampment Legislation**

- 2.32 A different enforcement mechanism to civil parking legislation is available. Vehicles which stay on land without permission can be dealt with by the Environmental Response Team under legislation designed for illegal encampments.
- 2.33 This option is very resource intensive and can only be enforced through the Magistrates court, so therefore it would not be suitable for those staying for short periods at either location. The Council does not have the resource to attend either location on a regular basis and the penalties handed out by the court are not a deterrent due to their low fines system. Therefore, the cost of taking offenders to court will outweigh the operational costs to recover.
- 2.34 It could be used for those that are effectively 'living' at the location and would need to be supported by the housing team. This is recommended so we can differentiate between these vehicles and the 'short term leisure stays'.
- 2.35 Based on the above, the following options for Members could be summarised as;

1. Keep the parking arrangements at one, two or three locations the same as now (free to use).
  2. Implement an overnight charge for all vehicles at some or all of the locations.
  3. Ban and restrict access to parking at locations permanently.
- 2.36 It is important to recognise that the primary purpose of the Shingle Bank is a coastal defence structure, owned and maintained by the Environment Agency, and whilst this provides a valuable leisure asset for the community, any final proposals agreed by this committee would need to be agreed by the Environment Agency.

### **3 Proposals**

- 3.1 Members are asked to debate the issues and consider the options.
- 3.2 Depending on the discussions, permission is sort to go out to public consultation on the preferred option or range of options as set out in appendix I.
- 3.3 Affected Parish Councils are included in the consultation.
- 3.4 That officers explore the use of CCTV provision to protect these assets.

### **4 Alternative Options Considered and Rejected**

- 4.1 No options have been rejected at this point, however two could be considered but have not been developed fully.

#### **Third Party Management/Concession of Shingle Bank**

- 4.2 This is an unconventional option that has been suggested to tackle the issues at Shingle Bank. Detailed analysis on the practicalities and legalities of this option have not been explored to date, but it is nonetheless an option for consideration.
- 4.3 This option consists of leasing out the operational side of the Shingle Bank to a third party for a set period of time. The third party would take on the responsibility for managing the day-to-day use of the Shingle Bank and slipway, which could include but not limited to, the following functions:
  - Charging an agreed fee for parking at the Shingle Bank on a daily basis, managing this through the use of a physical barrier at the entrance to the site and on-site presence.
  - Controlling the use of the slipway and maintaining it through regular clearance of accumulated shingle.
  - Working with local sailing and water-sport clubs to promote and maximise the slipway facility.

- 4.4 Whilst the details of this arrangement would need to be determined and agreed, this option would allow for proactive management of the parking arrangements at the Shingle Bank, possibly including shorter term overnight parking at an agreed fee.
- 4.5 This option could also include provision of refreshments for visitors, subject to confirmation that this would not conflict with any nearby concessions, to promote the area as a positive amenity asset.

### **Third Party Enforcement of Shingle Bank**

- 4.6 The British Parking Association has a number of approved enforcement agents who are able to control private parking areas under contract law.
- 4.7 This approach is independent to Civil Parking Enforcement responsibilities delegated to Swale Borough Council and allows an approved agent to retain any income received from parking fines to fund their service.
- 4.8 With a private enforcement arrangement, the agent is required to maintain local signage and may elect to patrol and enforce the area by foot or through Automatic Number Plate Recognition (ANPR) systems placed at the entry/exit point.
- 4.9 Such an approach will allow controls over length of stay, however the issues identified around signage and equipment vandalism are likely to continue to be a problem for the agent due to the isolated location of the site, which may impact on the financial viability of private enforcement from an agent's perspective.

## **5 Consultation Undertaken or Proposed**

- 5.1 Members of the public have contacted the Council direct over the years. This has increased recently with concerns over the issues overnight parking is created, so these need to be considered in the overall decision (see a summary of reported issues in appendix II).
- 5.2 Resident comments have also been provided via Minster Parish Council, liaison with the Parish Clerk has been undertaken.
- 5.3 Social media and local news have reported both sides of the argument.
- 5.4 A petition (see full detail at appendix III) with 488 signatures on it has been received by the Council opposing any proposal to levy charges.
- 5.5 The Community and Leisure Chair attended Sheppey Area committee on 19 September 2024. The details of the discussions are provided in the link at the bottom of this report.

## 6 Implications

Issue	Implications
Corporate Plan	This report cuts across a range of corporate plan priorities in Community, Environment and Running the Council.
Financial, Resource and Property	<p>The recommendations do not immediately impact the budget, but future decisions on this matter may do. The report details that Members need to weigh up the costs of maintaining the current position, implementing an overnight charging scheme (costs of maintaining signage/enforcement against likely income) or permanently restricting access.</p> <p>As detailed the officer view is that additional Civil enforcement hours would be needed. Members would need to agree the additional budget to cover this.</p> <p>There are staff resource implications for all options, the least impact long-term solution on staff resources would be the restriction of all vehicle access to the sites.</p>
Legal, Statutory and Procurement	<p>Each option requires the support of legislation to implement whether that be Civil Enforcement Act, Environmental Protection Act</p> <p>Each option would also require on-going procurement of services or repairs and maintenance.</p>
Crime and Disorder	Reports of anti-social behaviour have contributed to the raising of this matter at committee.
Environment and Climate/Ecological Emergency	Reports of inappropriate use of the locations such as littering, disposal of human waste need to be considered. Any plans to encourage overnight use of the locations need to be considered from a planning and ecological basis.
Health and Wellbeing	Those opposed to overnight charges state that they use the locations for leisure pursuits that improve their health and well-being. However, the congestion at the site may restrict others from enjoying the space.
Safeguarding of Children, Young People and Vulnerable Adults	Some of those located at the Shingle bank or Shellness may be vulnerable adults due to their housing situation.
Risk Management and Health and Safety	The inappropriate use of the locations needs to be regular assessed for risk.

Equality and Diversity	The use of the locations is expected to be for everybody. Balancing the uses is a difficult decision for Members to consider.
Privacy and Data Protection	No issues recorded.

## **7 Appendices**

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Public Consultation options
- Appendix II: Summary of complaints themes
- Appendix III: Copy of the Petition

## **8 Background Papers**

8.1 [Sheppey Area Committee September 2024](#)