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## **PROPOSED PERMANENT TRAFFIC REGULATION ORDER – ASHFORD HGV OVERNIGHT PARKING ENFORCEMENT**

To: **Ashford Joint Transportation Board – 11th June 2019**

By: **Tim Read, Head of Transportation, Kent County Council  
Jo Fox, Deputy Head of Community Safety & Wellbeing, Ashford  
Borough Council**

Classification: **Unrestricted**

Ward: **Across the Borough – Various**

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**Summary:** This report gives details of a proposed permanent Traffic Regulation Order to manage the overnight parking of HGV's on the A20 Ashford between Charing and Ashford and Four Industrial Estates in the Borough.

### **For Information**

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#### **1.0 Introduction and Background**

- 1.1 The Ashford clamping trial has been a partnership between Kent County Council (KCC), Ashford Borough Council (ABC) and the Department for Transport (DfT). The overnight clamping trial was part of a zonal parking ban which operated between 8pm and 7am and covered the A20 between Charing and Ashford and four industrial estates in the borough. The trial allowed first time clamping of vehicles that contravene restrictions and the Penalty Charge Notices (PCN) include a £150 clamp release fee.
- 1.2 A Statutory Instrument that restricted local authorities outside of London to not charge more than a £40 release fee for each clamp was amended for the duration of this trial only. The DfT in December 2017 agreed to allow the release fee to be increased to £150.00 in order to cover the costs incurred by ABC to remove each clamp.
- 1.3 The £150 release fee, agreed by DfT for the Experimental Order, simply covers the cost of the clamping company. We are currently seeking formal DfT approval to continue first time clamping on vehicles that contravene restrictions and an increased clamp release fee to endure costs can be covered with no additional impact on KCC and ABC finance.
- 1.3 The experimental HGV clamping trial has been extremely successful in reducing the number of HGVs parking in inappropriate locations in the Ashford District. During the trial 2,754 HGVs have been clamped of which 1,449 were on the A20. The number of HGVs issued a PCN and clamped more than once is 22, this represents less than 1% of the overall number of HGVs clamped. During the trial there have been 42 internal appeals to ABC against penalty charge notices issued to HGVs in contravention. All appeals have been rejected except 6 that have been cancelled. 1 case was taken to the next stage of Tribunal on the point of lack of signage and the outcome was that the adjudicator agreed with ABC's decision and this case was dismissed.

- 1.4 KCC have undertaken overnight lorry parking surveys with the most recent being in September 2018. There has been a dramatic reduction in on-street parking in the Ashford Borough since the trial was introduced. The survey shows a 61% decrease in inappropriate parking in the Ashford Borough between September 2017 and September 2018 with very little displacement to neighbouring districts.
- 1.5 The Ashford Truck Stop has reported that they were at full capacity 25 out of 31 nights during January and the 6 remaining nights were near to full capacity. In April the truck stop increased capacity by a further 200 spaces and continue to now have spaces available.
- 1.6 The clamping trial was introduced on 30 October 2017 and expired on 30 April 2019. KCC has undertaken a Traffic Regulation Order (TRO) consultation, which included statutory consultees, to make the trial area permanent.
- 1.7 The DfT has made it clear that clamping and zonal overnight parking bans can only be implemented in the vicinity of existing lorry parks where HGVs can choose to park elsewhere. In future if new lorry parks are built in the county a similar clamping scheme could be considered in the vicinity subject to DfT approval.

**2.0 Consultation and Traffic Regulation Order**

- 2.1 The advert for the Traffic Regulation Order was placed in the Kent Messenger on 19 April 2019 with a closing date for comments on the 13 May 2019.
- 2.2 The County Member and local Councillors were notified of the consultation. Notices were placed on site. Letters were sent to residents in the vicinity of the proposed restrictions to notify them of the proposed waiting restrictions.
- 2.3 18 responses were received as a result of the consultation. These are summarised as follows:

Support	16	94.12%
Object	1	5.88%

- 2.4 Several comments were made by both those supporting the proposal and objecting to it. The main concerns are summarised below.

Comment	KCC response
17 responses have been received by local residents of the area where the trial has been carried out including Sandyhurst Residents Association and Westwell Parish Council. All 17 responses support the permanent extension of the current Traffic Regulation Order due to improvements in both traffic management and environmental issues.	All responses have been acknowledged.
1 response has been received from The Road Haulage Association. The	All the objections have been thoroughly investigated by KCC and ABC. The

<p>objection is based upon the general administration and wording of the Traffic Regulation Order and the extent of the information included on the onsite signage. The Road Haulage Association claim that the Traffic Regulation Order does not meet statutory requirements. The Road Haulage Association also state that they believe there is not sufficient lorry parking within Kent and that this ban will adversely affect the ability of HGV drivers to park overnight.</p>	<p>proposed Traffic Regulation Order meets all the necessary statutory requirements and that the signage on site meets the regulations laid down in the Traffic Signs Regulations and General Directions 2016.</p> <p>The proposed Traffic Regulation Order will only prevent parking in areas where overnight parking of HGV's is considered unsafe, inconsiderate and has an adverse effect on the environment and the amenities of the local residents.</p>
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Members can see a copy of responses upon request to KCC.

### **3.0 Corporate Implications**

#### **3.1 Financial and VAT**

3.1.1 The implementation of the Traffic Regulation Order itself does not create any financial implications. It should be noted that current legislation permits a maximum £40 clamp release fee and clamping is permitted only when there are 3 or more unpaid fines. The formal DfT approval to clamp on the first offence and an increased release fee is still awaited.

#### **3.2 Legal**

3.2.1 None.

#### **3.3 Corporate**

3.3.1 See 3.1.1

### **4.0 Recommendation(s)**

4.1 That Members agree to the implementation of the proposed time limited overnight waiting restrictions on A20 between Charing and Ashford and four industrial estates in the area.

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### **5.0 Referencing**

5.1 Traffic Signs & General Directions 2016