

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT HEAVY COMMERCIAL VEHICLES IN
KENT (NO. 1) (AMENDMENT) ORDER 2021

HEAVY COMMERCIAL VEHICLES IN KENT (NO. 2)
(AMENDMENT) ORDER 2021

Wednesday 20 October 2021

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The Committee consisted of the following Members:

Chair: SIR GARY STREETER

Abbott, Ms Diane (*Hackney North and Stoke Newington*) (Lab)

† Brereton, Jack (*Stoke-on-Trent South*) (Con)

† Carden, Dan (*Liverpool, Walton*) (Lab)

† Crouch, Tracey (*Chatham and Aylesford*) (Con)

† Goodwill, Mr Robert (*Scarborough and Whitby*) (Con)

† Green, Damian (*Ashford*) (Con)

† Harrison, Trudy (*Parliamentary Under-Secretary of State for Transport*)

Lewell-Buck, Mrs Emma (*South Shields*) (Lab)

† McCarthy, Kerry (*Bristol East*) (Lab)

† Mangnall, Anthony (*Totnes*) (Con)

† Richards, Nicola (*West Bromwich East*) (Con)

† Rimmer, Ms Marie (*St Helens South and Whiston*) (Lab)

† Simmonds, David (*Ruislip, Northwood and Pinner*) (Con)

† Solloway, Amanda (*Lord Commissioner of Her Majesty's Treasury*)

† Timpson, Edward (*Eddisbury*) (Con)

Twigg, Derek (*Halton*) (Lab)

Whitley, Mick (*Birkenhead*) (Lab)

Nick Taylor, Jonathan Edwards *Committee Clerks*

† **attended the Committee**

Fourth Delegated Legislation Committee

Wednesday 20 October 2021

[SIR GARY STREETER *in the Chair*]

Draft Heavy Commercial Vehicles in Kent (No. 1) (Amendment) Order 2021

9.25 am

The Chair: Before we begin, I encourage Members to wear masks when they are not speaking. This is in line with current Government guidance and that of the House of Commons Commission. Please also give each other and members of staff space when seated and when entering and leaving the room. Members should send their speaking notes by email to hansardnotes@parliament.uk—we never used to say that a few years ago. Similarly, officials in the Public Gallery should communicate electronically with Ministers.

The Parliamentary Under-Secretary of State for Transport (Trudy Harrison): I beg to move,

That the Committee has considered the draft Heavy Commercial Vehicles in Kent (No. 1) (Amendment) Order 2021.

The Chair: With this it will be convenient to consider the Heavy Commercial Vehicles in Kent (No. 2) (Amendment) Order 2021 (SI 2021, No. 988).

Trudy Harrison: It is a pleasure, to serve under your chairmanship, Sir Gary, in my first statutory instrument Committee as a Minister.

These amendment orders relate to the Heavy Commercial Vehicles in Kent (No. 1) Order 2019 and the Heavy Commercial Vehicles in Kent (No. 2) Order 2019. Although the Heavy Commercial Vehicles in Kent (No. 3) (Amendment) (No. 2) Order 2021 is subject to the negative procedure, the Committee should be aware of that third order when considering the two amending orders before us today. Together, they support the effective management of Operation Brock and strengthen the enforcement regime that underpins it.

Operation Brock is a co-ordinated multi-agency response to cross-channel travel disruption and is owned by the Kent Resilience Forum. It replaces Operation Stack and has been specifically designed to keep the M20 motorway in Kent open in both directions, with access to junctions even during periods of severe and protracted disruption. The amending orders remove provisions from the 2019 orders relating to the transition period and covid-19, putting Operation Brock on a long-term footing. They also remove the sunset clauses due to expire on 31 October. I am grateful that time has been found to hold these debates ahead of the expiry date.

The legislation was first put in place in 2019 in preparation for a potential no-deal departure from the European Union. It was updated in 2020 before the end of the EU transition period, and again in 2021 in response to the coronavirus pandemic. The No. 1 2019 order provides powers to traffic officers to support Operation Brock and sets the amount of the financial penalty deposit for breaching restrictions created by the

three orders. The amount of the deposit for breaching the restrictions introduced by the instruments is set at £300. The No. 1 amendment order we are considering removes the sunset clause and references to redundant offences from the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009, to reflect amendments made by the other amending orders. The No.2 2019 order restricts cross-channel heavy commercial vehicles from using local roads in Kent other than those on the approved Operation Brock route when Operation Brock is active. The amending order updates which roads are restricted and removes the sunset clause.

To complete the picture, the Heavy Commercial Vehicles in Kent (No. 3) (Amendment) (No. 2) Order 2021, which is subject to the negative procedure, will remove the existing sunset clause provisions from the No. 3 2019 order. The amending order updates the sections of the Kent motorway network. The No. 3 2019 order restricts cross-channel heavy goods vehicle access to when Operation Brock is active, including the contraflow on the M20 and use of the M2, thereby reflecting updated operational requirements. Provisions relating to local haulier permits are retained. The third amending order removes provisions relating to M26 queuing permits, the Kent access permit, cross-channel permits, the prioritisation and expedited return schemes and covid-19 provisions. It also removes references to redundant offences from the Fixed Penalty Order 2000 and the Road Safety (Financial Penalty Deposit) Order 2009 to reflect changes made by the amending orders.

The draft orders are vital to enable sensible traffic management in Kent. Operation Brock has proved to be an efficient and effective traffic management measure in mitigating traffic disruption at the short straits and must continue to be available should significant disruption occur in future.

9.30 am

Kerry McCarthy (Bristol East) (Lab): It is a pleasure to see you in the Chair, Sir Gary, and I welcome the Minister to her first SI Committee—although this is not our first outing together, as we have done a Westminster Hall debate.

As is now well known, the haulage sector is having a really difficult time; some of us will be joining the Road Haulage Association and lorry drivers outside Parliament today. It is National Lorry Week, and drivers want to talk to MPs about the difficulties that they are facing, many of which have already been well reported. It has to be said that the Government have not really helped, first by refusing to admit that there was a problem with HGV drivers, despite countless warnings from the industry—there is a shortage of at least 90,000—and then by tinkering around with measures wholly inadequate to deal with the scale of the crisis.

The Chair: Order. Are these points within the scope of the statutory instruments?

Kerry McCarthy: They are, Sir Gary; my very next sentence leads me wonderfully into the SI itself.

We have seen the inevitable U-turns on visas for overseas drivers and now the Government are admitting their failure to establish reliable contingency measures to avoid chaos at the border for both hauliers and local

residents in Kent. I have spoken to many representatives of the Kent community about the impact of the situation on the ground.

Given the removal of the sunset clauses from Operation Brock's emergency measures, what was a temporary measure is now in effect being made permanent or at least open-ended. I am glad that the requirement for a Kent access permit, which effectively created an internal border in Kent for hauliers, has now ended, but we have some concerns about the remaining provisions.

The unfortunate reality is that the long-running consequences of the Brexit deal have left us with a real risk of serious congestion and disruption on the roads around our ports and borders; the community in Kent particularly suffers from that. Given the need to mitigate the potential for chaos on our roads and, particularly, the ongoing pressures on UK supply chains, which I mentioned at the beginning, Labour will not oppose the measures, but nor will we give them our endorsement, as we have reservations about the effect of Operation Brock on local communities.

The Government have now had over 18 months to work out arrangements alternative to Operation Brock, which, as I said, was intended to be temporary, and to bring forward measures that have the consent and input of local communities. All we have seen is the permanent extension of what was intended to be a temporary arrangement. The measures are deeply unpopular locally and have cost the taxpayer a significant amount of money. The communities in Kent deserve assurances that their journeys and commutes will not be disrupted by gridlock and that their local roads will not become a permanent lorry park due to the Government's failure to plan and ensure a smooth exit from the European Union.

Mr Robert Goodwill (Scarborough and Whitby) (Con): Does the hon. Lady recall that there was considerable disruption at Calais while we were still a member of the European Union, due to the MyFerryLink industrial action and the activities of French fishermen? This is not something new since we left the European Union.

Kerry McCarthy: That was an incident—a particular situation that occurred. This is an ongoing thing that affects us every day. Anything that disrupts a supply chain and makes it more difficult for HGV drivers to get from A to B is obviously going to add to congestion and disruption on our roads and the impact on the local community.

One of the things contributing to the shortage of HGV drivers is the fact that we do not have the facilities that are found in European Union countries. If better facilities at the lorry parks were looked at as part of the measures, that would help to deal not just with the situation in Kent that we are discussing today, but with the wider issue.

Mr Goodwill: Will the hon. Lady also note that one of the other reasons for Operation Stack was the bad weather in the channel, which caused the suspension of ferry services, leaving us to rely solely on the tunnel? We are likely still to get bad weather in the channel, so it is not just a Brexit-related measure.

Kerry McCarthy: I am not saying it is just a Brexit measure but, clearly, we are here today discussing these SIs because of what has happened in the last few years—primarily Brexit.

I would welcome clarification from the Minister on whether the Government are actively looking at alternative arrangements for Operation Brock, and whether its provisions are now intended to be permanent. As she said, the sunset clause has been removed from the legislation—does that mean it is now a fixture, or is that just to remove the need for us to keep coming back to renew the legislation?

Given the ongoing pressure on UK supply chains, it is vital that commercial flows in and out of the country face as little disruption as possible. The long-term solution is not a reliance on emergency provisions but something in place that ensures efficient operations at borders, close co-operation with the European Union and working with industry and local communities to identify ways to minimise the disruption.

The Chair: A couple of colleagues have caught my eye, who I know will speak very narrowly on these instruments.

9.36 am

Damian Green (Ashford) (Con): It is a pleasure to serve under your chairmanship, Sir Gary, and a great pleasure to welcome the Minister to her first Delegated Legislation Committee on the Front Bench. I apologise for breaking the habit of a lifetime and speaking from the Back Benches at an SI Committee.

To pick up on the point made by the hon. Member for Bristol East, the communities in Kent have, over the years, suffered hugely from disruption at the channel ports, particularly my own in Ashford. For my constituents and others around Kent, Operation Brock is unwelcome whenever it is imposed, frankly, but it is a lot better than Operation Stack. The phrase in the Minister's speech that I most applauded inwardly was when she said that Operation Brock was relacing Operation Stack. I hope that means that Operation Stack will never be seen again, because closing the M20 all together caused genuine misery and economic and personal dislocation for many of my constituents.

I am pleased that we have managed to get the movable barrier and make Operation Brock possible, but it is also the case that whenever it is imposed, it causes difficulties. It is more dangerous—there are two fairly narrow lanes and a lot of lorry traffic. Domestic motorists driving their cars in that environment often feel quite threatened by it, so it should be used as sparingly as possible. My one plea to the Minister is that she use her best endeavours to ensure that it is used as infrequently as possible. There is a tendency among the authorities in charge of it to put it on as a precautionary measure—we saw that earlier this year—and then leave it on for weeks on end. That angers many constituents, quite rightly, because they see it as an unnecessary use that dislocates their daily lives and makes their journeys more difficult. They will accept it when there is genuine crisis and obstruction at the channel ports, but they do not want to see it used almost routinely, whenever there is a possibility of problems at the channel ports. The one thought I want to leave with the Minister is that Operation Brock is better than Operation Stack, but it should still be used very sparingly and only when absolutely necessary.

9.39 am

Tracey Crouch (Chatham and Aylesford) (Con): It is a pleasure to serve under your chairmanship, Sir Gary, and I welcome the Minister to her place.

I grew up in Folkestone. My right hon. Friend the Member for Ashford (Damian Green) is right about the disruption that Kent has faced over many years because of challenges at Calais or bad weather. Travel disruption is not a new phenomenon in the county. Now, as an MP further up, with two motorways—the M20 and M2—going through my constituency, I know that any travel disruption causes major issues.

As my right hon. Friend said, it is clear that Operation Brock is better than Operation Stack, although it is not perfect. To reiterate his point, we should maximise the agility of the system to ensure that it can be removed as quickly as possible after being exercised, because although residents of the county accept that it is an alternative to Operation Stack and something that can provide a better flow of traffic along the major networks, it does cause problems in itself.

Finally, I thank the members of Kent Resilience Forum for all they are doing to support the flow of traffic through the county. It is an exceptionally difficult job working with all the different partners and indeed with Government, and we appreciate the hard work that they are doing.

9.40 am

Trudy Harrison: I thank the hon. Members for their consideration of these instruments and in particular I thank the shadow Minister, my right hon. Friend the Member for Ashford and my hon. Friend the Member for Chatham and Aylesford for their comments. Tackling the haulier shortage does not actually pertain to this Committee debate, but I hope you will allow me to respond to the shadow Minister's question, Sir Gary. We recently announced a significant package of measures, including plans to streamline the process for new drivers to gain their HGV licence and increase capacity for HGV driving tests. As driver shortages across Europe demonstrate, this is a widespread problem caused by a range of factors, including an ageing workforce.

Earlier this month, the Government announced a package of new measures to tackle HGV driver shortages. One thing that would really put drivers off would be dealing with unmanaged congestion, and if we fail to agree these instruments today that could be an added challenge for drivers of heavy goods vehicles, and indeed all drivers.

Mr Goodwill: Does the Minister also agree that extending the cabotage rules from two journeys to two weeks will result in fewer foreign trucks traversing Kent, because they will be able to ply their trade in the rest of the UK for longer?

The Chair: Let us stay on the instruments if we can.

Trudy Harrison: My right hon. Friend has a great deal of experience in the Department for Transport and I thank him for his comments, but I shall stick to the aspect the draft orders deal with.

I pay tribute to my right hon. Friend the Member for Ashford for his collegiate and collaborative work alongside his Kent Resilience Forum. I echo the words of my hon. Friend the Member for Chatham and Aylesford in thanking the Kent Resilience Forum because it has been difficult over a period of many years, but by working together we will stand the best chance of solving these challenges.

On the methodology for instigating Operation Brock, the Kent Resilience Forum partners constantly review the threat and risk associated with possible disruption at the ports and any impact this may have on road networks and local communities. Consideration is given to the daily flow rates and reasons and the likely duration of disruption. Implementing Operation Brock is always the last resort measure. It is costly to put up, run and take down, so the decision is not taken lightly. Consideration is given at the tactical and strategic levels of the Kent Resilience Forum, and there is a suite of plans that can be used, with Operation Brock being one option.

The shadow Minister also said that she would like to see improved facilities at lorry parks. I assure her that Sevington in the Ashford constituency, which will provide about 1,100 lorry parks as well as excellent facilities, is one of our significant plans going forward. On the amount of times that Brock has been activated to date, while I think I am straying from this particular debate, I want to reassure my right hon. Friend the Member for Ashford and my hon. Friend the Member for Chatham and Aylesford that the decision is not taken lightly and it is one of many measures that is undertaken to minimise disruption. These instruments are essential to ensuring we have an effective means of continuing to have appropriate traffic management systems in place to avoid lengthy queues at the border. I hope the Committee has found this debate and my responses informative and will join me in supporting these orders.

Question put and agreed to.

HEAVY COMMERCIAL VEHICLES IN KENT (NO. 2) (AMENDMENT) ORDER 2021

Resolved,

That the Committee has considered the Heavy Commercial Vehicles in Kent (No. 2) (Amendment) Order 2021. (SI 2021, No. 988).—(*Trudy Harrison.*)

9.45 am

Committee rose.

