

From: **Simon Jones**
Corporate Director, Growth, Environment and Transport

To: **Cabinet**

Date: **30 November 2021**

Subject: **Border Readiness**

Summary:

This report highlights how Kent County Council as part of the Kent Resilience Forum has responded to and remains prepared for delay and disruption through the Short Straits.

It notes the immediate threats and risks and highlights the recent changes that have been, or plan to be adopted at the borders.

It seeks to set out an agenda for longer-term action, highlighting the strategic importance of the Short Straits for the country whilst recognising the potential opportunities for Kent communities and businesses.

Recommendations:

Cabinet is asked to:

- a. Note the importance of the Short Straits and the impact delays and disruption at the borders has within Kent;
- b. Note the current freight holding capacity and the need for alternative arrangements outside of Kent alongside a national communication strategy with escalation of messaging at a government level;
- c. Note the various border changes and events anticipated during 2022;
- d. Lobby and press government to formally commit to a long-term investment plan to maximise the potential of the Short Straits and to establish future ready and future proofed smart borders in Kent.
- e. Lobby and press government to provide funding to address new burdens encountered by Kent's Trading Standards service;
- f. Lobby and press government to formally commit and fund highway capacity improvements on the northern (A2) approach to Dover and similarly commit to improvements to M2 Junction 7 (Brenley Corner);
- f. Lobby and press government to formally commit and fund highway improvements to support the IBF and BCP facilities in Dover; and
- g. Lobby and press government to provide additional local highway funding to recognise the traffic volumes and asset management impact of Kents highway network in keeping the gateway to Europe open and available.

1. Background

- 1.1 As a leading partner of the Kent Resilience Forum (KRF), Kent County Council (KCC) works closely with colleagues from the Government's Border and Protocol Delivery Group (BPDG), Cabinet Office, Department for Transport (DfT), Department of Levelling Up, Housing and Communities (DLUHC), Her Majesty's Revenue and Customs (HMRC) and the Department for Environment, Food and Rural Affairs (Defra), to both plan for and react to various short and long-term issues arising at and from Kent's borders with Europe.
- 1.2 In recent history, KCC and the KRF has been at the forefront of responding to delays and disruption caused by EU Exit, the end of the EU Exit Transition period and the introduction of Covid-19 restrictions.
- 1.3 A chronology and brief history of the operational responses to traffic disruption through the Short Straits is provided within Appendix A.
- 1.4 From Appendix A it can be determined that the current accepted approach to delay at Kent's borders with Europe remains reactive and suboptimal. It results in a reduction in the effectiveness of Kent's highway network and requires Kent to hold and queue nationally significant freight and passenger traffic within its borders.
- 1.5 As the various operational interventions are deployed there is an increasing and ever wider impact upon the public. At all stages, this has a severe and unsustainable impact upon Kent's communities and businesses, particularly in areas most in need within east of the county.
- 1.6 Changes are needed, supported through government investment, to maximise the effectiveness and potential of Kent's continental borders. A strategic and intelligent method to easily enter and exit the county and country is required to maximise border fluidity.
- 1.7 An infrastructure first approach will be needed to build resilient borders. This investment will provide significant value to the nation and act as a catalyst for regeneration in the east of Kent, unlocking housing, employment, skills development, and inward investment.
- 1.8 The time is now to unlock the full potential of the unique position and economic value of the Short Straits. Put simply, levelling up in Kent will deliver value far beyond its borders and across numerous nationally critical industries. To fail to do so is a missed opportunity on a national scale.

2. Approach to managing border delay and disruption

- 2.1 KCC and the KRF has had to respond to, amongst others, potential blockades of the ports, industrial action, migrant travellers, delays in customs processing times, severe weather events, Covid-19 restrictions, and the subsequent travel relaxations.

- 2.2 This is in addition to historically high-volume passenger traffic events such as summer, half-term, and Christmas getaways and alongside the cyclical patterns of freight movements which ensures that Kent's borders remain continually in high demand.
- 2.3 Currently, this is further complicated by the fragility of the prevailing UK/EU economic and diplomatic relationship. This can result in erratic border attendance by EU officials and unpredictable events which could materially affect the operation through the borders. The instant nature of such action can prevent the early deployment of operational plans leaving Kent further exposed. Most recently the French fishing community has posed the most significant threat in this regard and the situation has required enhanced attention and close monitoring by the KRF.
- 2.4 That said, the Short Straits is the crossing of choice for the UK/EU freight haulage industry and for vehicle borne passenger traffic travelling to Europe.
- 2.5 This is due to its very close proximity to the continent allowing cost effective and quicker transit when compared to other UK locations. It accounts for 59% of UK trade with the EU, with this gateway valued at circa £250bn per annum.
- 2.6 Whilst any disruption, delay or loss of fluidity will have a negative impact to the nation the opportunity to full exploit the Short Straits remains. Investing to improve resilience, to expand capacity and to maximise throughput will deliver both value for money and long-term economic benefit on a national scale that would far outweigh the initial cost of investment.
- 2.7 In order to exploit the Short Straits it will be vital that the current short term and reactive approach to managing transit through Kent needs to be replaced, modernised, and made fit for the future.

3. Immediate threats

- 3.1 During 2020, and supported fully by both government and local partners, improvements to analysing and capturing manifest data about vehicle and passenger movements over the Short Straits was undertaken. This has provided greater intelligence of the potential risks and threats at the border, but this remains limited in its forecast range and only considers the operational responses currently available.
- 3.2 As a result the KRF continues to meet on a regular basis to review and assess both threats and risks to the Short Straits with the focus drawn to immediate issues. This ongoing and routine activity is needed to ensure sufficient time is available to deploy the reactive responses and to provide sufficient time for partner organisations to stand up operational resources in anticipation of any escalating or immediate issue.
- 3.3 The absence of regular, timely and accurate information to support early decision making remains a critical obstacle and threat to the effectiveness of the KRF.

- 3.3 This causes inherent disruption for the agencies involved and the ongoing operational cost remains significant. It would be economically advantageous to move away from the repetitive reactive response and invest in autonomous systems and infrastructure that can flex, absorb, and provide operational resilience in all circumstances.
- 3.4 At the date of this paper, Kent is routinely seeing circa 6,300 freight each busy weekday. This equates to approximately 5,300 HGVs and 1,000 LGVs (eg. Freight vehicles under 7.5t)
- 3.5 Including both on and off-road vehicle holding capability but excluding any potential space at Sevington Inland Border Facility (IBF), Kent has the capacity to queue circa 4,800 HGVs, of this number only 3,500 remains at the discretion of the KRF to directly deploy.
- 3.6 This assumes full use of both EuroTunnel and Port of Dover buffer zones/approach lanes and as a result Kent has **less overall capacity** compared to that available at the start of 2020. This is predominately due to government decommissioning Manston Airport and TAP256 to hold queued vehicles.
- 3.7 Kent HGV holding capacity is as follows:
- | | |
|----------------------------|--------------|
| Operation Brock QMB | 3,000 |
| TAP 20 | 500 |
| PoD Buffer Zone | 220 |
| PoD Approach Lanes | 800 |
| EuroTunnel Buffer/Terminal | 250 |
| Sevington IBF | TBD |
| TOTAL | 4,770 |
- 3.8 In order to contain the volume of HGVs accumulated over a 24-hour period Sevington IBF would need to accommodate a minimum of 500 HGVs without affecting its critical customs processing capability.
- 3.9 This does not consider the impact of LGVs which account for circa 1,000 extra vehicles, nor any Europe bound passenger traffic.
- 3.10 Whilst TAP20 is a useful tool to regulate HGV flows into the port, it is important to note that TAP20 is being deployed at least 2-3 times per week. The continued use of operational tools such as TAP 20 highlights the lack of overall resilience in the current plans and reinforces the severe fragility of the current infrastructure.
- 3.11 It is therefore imperative in the short term that additional capacity outside of Kent is identified, secured, and confirmed by government. This needs to be coupled with legislation to direct vehicles to secure locations and a national communications campaign to warn and inform drivers not to travel to Kent unless authorised.

3.12 For reference, Appendix B provides additional explanation and detail of the various tools currently available to the KRF to manage border disruption.

4. Medium and Longer-Term Threat and Risks

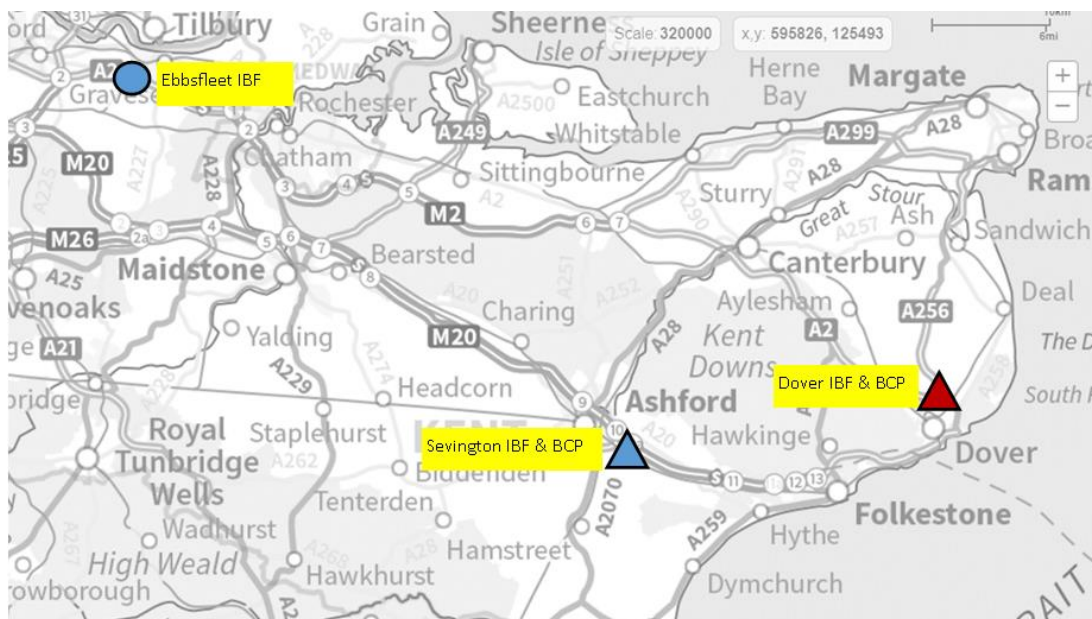
- 4.1 The most significant medium-term threat to the Short Straits will be the introduction of EES (Entry Exit System) and ETIAS (European Travel Information and Authorisation System).
- 4.2 The EES and ETIAS are measures being implemented by the EU that will register the entry, exit and any refused entries of eligible third-country citizens crossing into Europe through the external Schengen borders. It requires 100% checks on all passengers.
- 4.3 This presents a challenge at both Port of Dover and EuroTunnel where passengers could be required to exit vehicles to achieve authorisation. This would significantly increase the time needed to process vehicles and as the infrastructure and processes currently stand this **will lead to long queues** onto Kent's highway network and into local communities.
- 4.4 Whilst digital solutions for both EES and ETIAS are being developed in the EU, the planned for launch of these schemes is scheduled for late 2022. This poses a significant risk to Kent, especially due to the Kent based juxtaposed locations of EU passport control.

5. Planning for the future

- 5.1 The KRF Planning Group, chaired by KCC, is seeking to establish long term changes on how Short Straits disruption is addressed. Bold new measures will be needed to avoid the reactive and inherently disruptive methods now deployed. As has been acknowledged by government, this is a national issue and the levers and interventions required are beyond the scope of the KRF and KCC. What is required is a long-term national improvement programme of infrastructure, technology and legislation applied throughout Kent and beyond.
- 5.2 Work has started to define a Kent proposal to government citing the various challenges, opportunities, and potential changes that will be needed to provide resilient borders that maximises the unique potential of Kent and the Short Straits.
- 5.3 This is not limited to addressing Kent's highway network. It will highlight the need to improve border infrastructure and facilities, promote opportunities for community regeneration, employment and skills alongside digitisation and innovation to create future proof, and future ready smart borders working in tandem through a daisy chain of well served, safe and secure nationally distributed freight hubs.
- 5.4 DfT Maritime 2050 Smart Ports vision cites "*UK ports will act as part of an advanced supply chain. Digitised, integrated with the wider end-to-end supply chain, and efficient...*". It is imperative that this national vision is fully deployed in Kent; what is needed now is a strong commitment and desire to make real this bold but overdue vision.

6. Public Protection

- 6.1 Sevington (Ashford) IBF has been operational since January 2021 with HMRC carrying out some limited checks.
- 6.2 From 1st January 2022 there will be increased HMRC checks, and from 1st July 2022 Defra will be operating a Border Control Post (BCP) alongside Ashford Borough Council as the Port Health Authority.
- 6.3 HGV flows will increase for both inbound and outbound freight for both portals to Sevington.
- 6.4 Similar facilities are being constructed at Whitfield, just off the A2 heading into Dover. The BCP at Dover is due for completion for operation 1st July 2022 whilst the IBF is unlikely to be completed before 2023.



- 6.5 Both Dover sites are situated on the KCC road network, so it is essential that adequate signing and road enhancement and improvement is undertaken prior to the sites opening. We remain in dialogue with government on how to provide a capable freight corridor to and from these facilities.
- 6.6 From January 2022 additional document and physical checks on goods travelling over the Short Straits will become necessary and both HMRC and Defra are ensuring that these new facilities are suitably resourced and able to handle these new burdens.
- 6.7 Kent Trading Standards are required to carry out checks on imports of consumer goods into the UK. This is already being undertaken by the ports team, which was established in 2019, in response to additional demands arising from EU exit. This team consists of 1 Supervisor and 5 Officers.
- 6.8 Further additional checks in Kent will be required following the introduction of new inland BCPs in Kent allowing feed (which has a high risk of

contamination) and organic feed to be imported through Kent. This will require additional qualified staff to enforce animal health provisions which includes dealing with issues of animals, feed and veterinary medicines delayed in transit affecting health and welfare. As the Feed Authority for Kent, Trading Standards will also be required to enforce imported feed requirements.

- 6.9 The Ports Team, which currently covers Dover, Eurotunnel, and the Fast Parcel Hub at Dartford, will need to be expanded to cover the new work generated at the additional IBFs and at Sheerness Port.
- 6.10 This will place new operational and financial burdens upon KCC and a request for additional funding has been made to government in the order of £1.1m. At the date of this paper, this request remains outstanding.

7. Kent Highways

- 7.1 In 2019, and in anticipation of EU Exit, KCC undertook a range of highway strengthening activities and provided on behalf of DfT works at Manston airfield to support holding a significant number of queued HGVs.
- 7.2 These works helped mitigate disruption and reduce the impact upon the local road network arising from the high volume of HGV traffic seen since that time. Whilst Manston airfield has now formally stood down, much of Kent's highway network continues to be used by high volumes of free moving freight on route through the Short Straits.
- 7.3 Many of these routes are now showing signs of accelerated deterioration predominately due to the increased size, weight, and volume of traffic. DfT highway funding does not consider this impact and the burden to ensure that these key local roads remain available, safe, and serviceable falls to KCC as the highway authority.
- 7.4 There is merit in Kent Highways receiving additional government funding due to the special nature and strategic importance of this part of the local road network. We have raised this issue during recent correspondence with DfT.
- 7.5 *Need for future road improvement*
National Highways have identified potential improvements to M2 Junction 7 (Brenley Corner) and to the northern access to Dover (A2). It is unlikely that the benefit of these plans, if supported, would be seen until well after 2030. It is therefore imperative that these nationally and locally critical projects are formally confirmed and committed by National Highways as soon as possible and that early enabling projects are commenced immediately to provide capacity and unlock critical pinch points on these key arterial routes to the Port of Dover.
- 7.6 In the first instance improving the link from the Port of Dover through Whitfield and beyond is vital and would recognise the increased freight traffic volume due to the IBF and BCP locations. Protecting the access through the Whitfield retail and business park will be critical alongside congestion relieving and capacity improvements to the Duke of York and Whitfield Roundabouts.

7.7 Work is ongoing with Dover District Council and other partners to present to government viable solutions that support, enable, and fill the gap until the National Highways major schemes are delivered.

8. Summary of anticipated 2022 border disruption

8.1	December 2021	Christmas getaway, increased passenger, and freight transport, disruption risk exists.
	January 2022	Full customs declarations and controls will be introduced although safety and security declarations will now not be required until July 2022. The requirements for pre-notification of Sanitary and Phytosanitary (SPS) goods
	Feb/April 2022	Half Term and Easter get away, increased passenger traffic.
	July 2022	Safety and Security declarations on imports.
	July 2022	Export Health Certificates
	July 2022	Phytosanitary Certificates and physical checks on SPS goods at Border Control Posts. Certification and physical and identity checks will be introduced for: <ul style="list-style-type: none">• <i>All remaining regulated animal by-products.</i>• <i>All remaining regulated plants and plant products.</i>• <i>All meat and meat products</i>• <i>All remaining high-risk food not of animal origin.</i>• <i>High-priority plants and plant products checks will transfer from place of destination to designated BCPs and control points</i>
	July 2022	Summer Getaway, passenger traffic increase
	August/September	Summer return.
	September 2022	Certification and physical checks will be introduced for all dairy products.
	October 2022	Half Term Getaway, passenger traffic
	November 2022	Certification and physical checks will be introduced for all remaining regulated products of animal origin, including composite products and fish products. Live animal checks will also transfer incrementally from point of destination to designated border control posts from July 2022 as facilities are ready and designated.

Late 2022 EES launched

Late 2022 ETIAS launched

December 2022 Christmas getaway, passenger and freight increased

9. Financial Implications

- 9.1 KCC and KRF are currently stood up with operational resources remaining deployed and active, this will continue over 2022.
- 9.2 New Burdens are being pursued through government for Trading Standards in the order of £1.1m. In the absence of government funding this statutory burden will fall upon KCC.

10. Conclusion

- 10.1 KCC and the KRF remains engaged, informed, and prepared to react to delay and disruption through the Short Straits.
- 10.2 Changing customs processes along with complex UK/EU diplomatic relations continue to pose a significant risk to Kent. If realised this risk could result in severe local disruption alongside national significant economic and supply chain consequences.
- 10.3 Freight holding capacity within Kent remains suboptimal and there remains a real and urgent need for additional and out of Kent freight holding facilities alongside a national messaging campaign.
- 10.4 Further government funding is required to address new border burdens and to address the long-term impact of road freight across Kents local road network.
- 10.5 KCC is focussed on modernising, enhancing and future proofing the Short Straits. Investment is required provide smart frictionless borders that utilise both digital and physical infrastructure. It is of national importance to maximise the effectiveness and efficiency of Kent’s economic gateway to Europe.

7. Recommendations:

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Cabinet is asked to:

- a. Note the importance of the Short Straits and the impact delays and disruption at the borders has within Kent;
- b. Note the current freight holding capacity and the need for alternative arrangements outside of Kent;
- c. Note the various border changes and events anticipated during 2022;

- d. Lobby and press government to formally commit to a long-term investment plan to maximise the potential of the Short Straits and to establish future ready and future proofed smart borders in Kent.
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Appendix A: A Brief History of Border Disruption

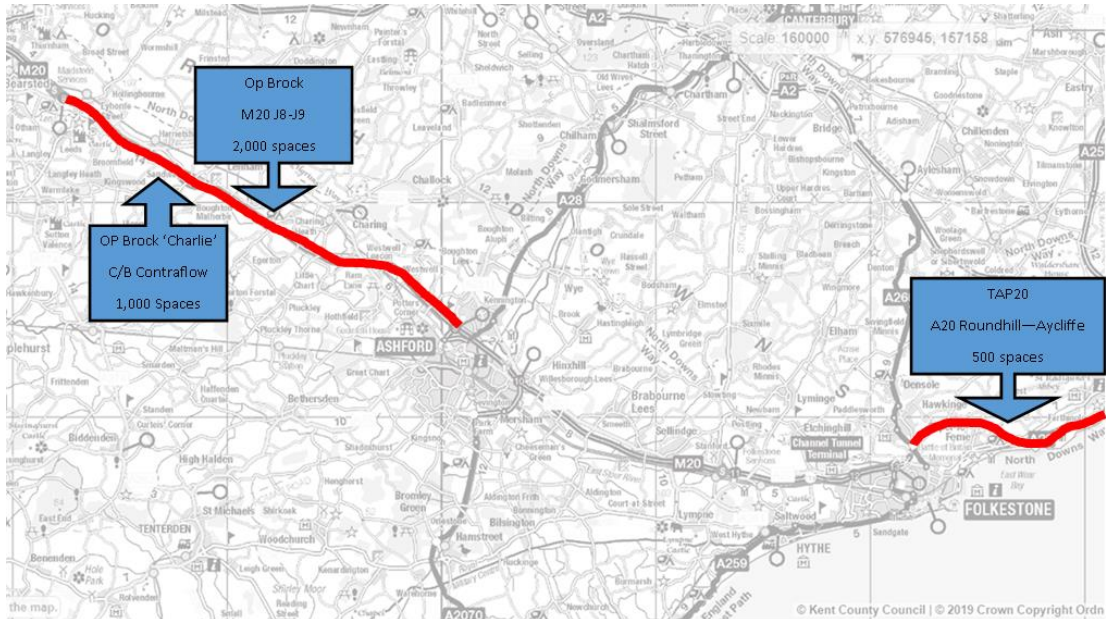
- A.1 Historically, disruption to Heavy Goods Vehicle (HGV) traffic across the Short Straits was mitigated using Operation Stack. This allowed for up to 8,000 HGVs to be queued on the M20 and A20 after capacity at the Port of Dover and/or EuroTunnel had been exhausted. When deployed, severe congestion was seen across Kent's road network adversely affecting many communities and businesses. The economic impact of Operation Stack was significant both locally and nationally.
- A.2 Over time Operation Fennel, of which Operation Stack was part, has been modified. In 2015 Manston Airport was included as an additional HGV holding location, and during 2019, this facility was enhanced and became capable of safely catering for up to 4,000 HGVs plus drivers and associated passengers.
- A.3 To safely control the transfer of HGVs from Manston Airport to the Port of Dover a Traffic Access Protocol (TAP) was provided on the A256. This saw traffic management (cones, marshals) and traffic lights installed to queue circa 500 HGVs on the outskirts of Dover to enable an organised draw down of vehicles into the Port.
- A.4 TAP256 was the second TAP deployed around Dover; in early 2015 a similar (and now permanent) area to control and marshal HGVs was installed on the main southern approach to the town. This covers the A20 from the Roundhill Tunnel through to the Western Height Roundabout, Aycliffe. This has the capability of queuing circa 500 HGVs
- A.5 Following significant disruption during summer 2015, DfT and National Highways sought to find alternatives to Operation Stack. Work was undertaken to develop an off-road lorry holding area near to Junction 11A of the M20.
- A.6 After failing to proceed with this scheme, attention shifted to providing an on-road system utilising the M20 between Junction 8 and 9. The result has been the installation of a contraflow that allows HGVs to be queued on the coastbound motorway whilst maintaining two-way traffic flow on the remaining London bound carriageway.
- A.7 This has been achieved using a Quick Moveable Barrier (QMB) and the installation of defined motorway cross over points. This sees an automated process of lifting a chain of concrete blocking into the road to divide the London bound carriageway. This alternative to Operation Stack is known as Operation Brock and is embedded into Kent's approved response to border disruption, known as Operation Fennel.
- A.8 December 2020 saw Kent preparing for the end of EU Transition, but before new controls (QMB) could be pre-deployed the borders were closed due to Covid 19 restrictions being implemented by French Authorities. This resulted in the well documented disruption seen across the county and in particular

Dover was overwhelmed by both passenger and freight vehicles during the Christmas getaway.

- A.9 During this time and the months that followed, numerous additional operational tools were used to manage traffic. For freight this included the use of a Kent Access Permit, traffic regulation orders mandating specific routes and HGV parking enforcement.
- A.10 The QMB was deployed for a significant period, reducing speed, and increasing disruption and journey times across Kents road network.
- A.11 Whilst the borders conditionally reopened in December 2020 many operational restrictions remained in place in Kent until June 2021.

Appendix B: Summary of Operational Responses to Disruption at the Borders

- B.1 Operation Fennel remains Kent's operational response to managing traffic. Contained within are other plans to address specific issues arising during period of disruption. This includes Operation Brock, the Driver Welfare Plan, and Operation Merlon which seeks to keep Dover clear from HGV congestion.
- B.2 *Operation Brock*
Operation Brock is made up of different phases and options and is activated after Port of Dover and/or EuroTunnel vehicle buffer zones are overwhelmed and certain trigger points on the approaching road network have been reached.
- B.3 The early stages of Operation Brock use the M20 and A20 (outside of Dover) to hold HGVs, whilst the latter stages used Manston Airport and TAP256. Discounting the various buffer zones the holding capacity in Kent was previously deemed to be circa 8,000 HGVs. However, since July 2021, DfT decommissioned Manston and this is no longer available to the KRF. Consequently, TAP256 is no longer required.



B.5 As at the date of this report, Operation Brock provides the following operational options:

Brock Zero is used in an emergency where the QMB cannot be installed prior to queues forming. It requires HGVs to be held on the M20 coastbound carriageway between junctions 8 and 9. There will be no contraflow and coast bound other traffic is diverted along the local road network (A20).

Brock Inactive enables HGVs bound for the portals to use the M20 coastbound carriageway between junctions 8 and 9, whilst the QMB creates a contraflow for all other traffic on the London bound carriageway.

Brock Active with control is as above; however there is a traffic light control prior to junction 9 to hold HGVs until it is safe to release.

B.6 Whilst National Highways are responsible for the implementation of Operation Brock, they have no powers to enforce. When Operation Brock was deployed during early 2021, KCC (on behalf of DfT) employed operatives with special powers to enforce within Brock.

B.8 During 2021, Sevington Inland Border Facility opened and supported the customs and Covid checking processes necessary to leave the UK. The site has some capability to hold and secure HGVs. This remains a key border operational site and whilst some capability to hold HGV could exist this has not been factored into any traffic management plans at this time. It is necessary to understand how this can be achieved without disrupting the critical service it provides in clearing HGVs for UK exit.

B.9 *Keep Dover Clear/Op Merlon*

Lessons learnt following the border closure in 2020 included plans to 'Keep Dover Clear'. Works planned include improvements to parts of National Highways network (A2) and associated roundabouts. This will also provide additional signing, and road restrictions to discourage HGVs from using unsuitable routes through the town.

- B.10 Whilst at the time of writing the plan Kent Police had at its disposal circa 150 mutual aid officers available from other forces to deploy to Dover. These officers are no longer available, and in the event of another border closure Kent Police primary focus will be to preserve life and address crime. An alternative approach to Operation Merlon will be needed.
- B.11 *Driver Welfare Plan*
When HGVs were delayed due to the border closure at the end of 2020, one of the concerns was provision of welfare to queued drivers and specifically those in passenger vehicles. Whilst HGVs can be managed within Operation Brock, this is not possible for tourist traffic.
- B.12 The operational response is to warn, inform and highlight those locations where respite can be found. During December 2020, many drivers ignored this advice, and found themselves in need of welfare and support as many shops and facilities remained closed due to Covid 19 restrictions. This resulted in military resources and charitable organisations being used to provide widescale driver welfare.
- B.13 Work is ongoing with government to seek methods to improve to this plan. The objective is to ensure a consistent and safe driver welfare service is provided to those vehicles that are queued in locations where they are unable to self-serve.