

**THE BOROUGH OF SWALE  
(OFF-STREET PARKING PLACES)  
(VARIATION No. 6) ORDER 2024**

**Objections Received During the Consultation for changes to the Variation 6  
from 2<sup>nd</sup> February until 26<sup>th</sup> February 2024**

During the consultation period we received, 108 objections plus 2 Petitions one with 140 signatories and another with 133 signatures and 50 comments in total, there were no indication of Support, these have been broken down into individual schemes for the Four Proposals to introduction of charges in the Little Oyster, Park Road and Queenborough Library Car Parks and the Tariff Increase in the Pay and Display Car Parks.

**38 objections and 8 Comments were received to the Little Oyster Car Park  
Minster on the grounds that:**

The change of use and the introduction of charges would have an impact on businesses and events that current take place in the Car Park, as many of the visitors use the local facilities when visiting the Island, the introduction of charges will be prohibitive for many people and will result in them not being able to attend activities which will have a negative effect on both their physical and mental wellbeing as these sessions are as much a social support as they are an opportunity to meet and this would inconvenience people attending activities.

It would also have a negative impact on the community with families struggling to cope with the cost of living, it may also put off any visitors to the island by having to pay for additional charges. The surrounding roads are also likely to be adversely affected by excess traffic trying to avoid paying the Little Oyster car park charges and an increase in On Street Parking in nearby residential streets.

We also received comments as detailed below:

1. I propose that the council considers providing Sheppey Matters with concessionary parking permits for distribution among health walk participants. This would help mitigate the financial burden associated with parking fees and ensure continued accessibility to the health walks, I believe that by working collaboratively with Sheppey Matters and implementing measures such as concessionary parking permits, the council can strike a balance between fiscal responsibility and community well-being. I kindly request that the council takes these considerations into account during the decision-making process.
2. If there must be charges, could they be seasonal and for a shorter period e.g 10am to 4pm to enable those that wish to walk for their health and well-being to do so.

**5 objections and 4 Comments were received to the Park Road Car Park  
Queenborough on the grounds that:**

If this plan goes ahead, the residents of Queenborough, who live in the vicinity of the car park will have to pay which will inevitably cost them to park where they live, this is going to add to the parking congestion in the area due to people parking their vehicles on the road instead of the car park to avoid your parking charges.

It will also have an impact as Queenborough has become more popular destination for leisure activities with several facilities in the area.

The free car park has been a vital amenity for the community, providing a convenient and accessible space for residents and visitors. The introduction of pay and display may discourage people from utilising this resource, leading to decreased community engagement and negatively impacting local businesses.

We also received comments as detailed below:

1. Is there going to be any provision for residents i.e. parking permits?
2. Please seriously consider this proposal. The only alternative would be a parking permit system for residents only.
3. Perhaps a compromise, such as implementing a time-limited free parking period or offering free permits for residents, could be considered to address the concerns.

**19 objections and 23 Comments and a 133-signature petition were received to the Queenborough Library Car Park on the grounds that:**

Residents are unhappy that we are proposing to introduce charges after all these years and consider this to be clearly for money as there's no other reason, this would also affect local businesses and residents already facing a cost of living crisis. The change of use and the introduction of charges would have an impact on businesses and events that current take place in the Car Park. It is unfair to expect residents to have nowhere to park or to have to pay to park in the car parks just because there is nowhere else to park due to the tourists not wanting to pay. It will destroy the businesses that have been lovingly built up in Queenborough, it will also have a detrimental impact to the less mobile community who will no longer be able to use the facilities.

In a time where mental health and well-being is so recognised and important, this potentially could be an obstacle and have a detrimental impact on clubs, individuals and businesses, charging for parking will just push people onto parking on the roads, making it difficult for those that live there and deterring those considering visiting.

The Isle of Sheppey is recognised as a very deprived area with many people trying to live on a very tight budget, free car parks help individuals and families to access amenities, having a negative impact on my mental health and general well-being. Ownership of at least 1/3 of the car parking spaces resides with Queenborough Town Council, while the rest are owned by Swale Borough Council, therefore it is a legal impossibility for Swale Borough Council to charge people for spaces they don't own.

We also received comments as detailed below:

1. If this does happen, I would ask that local residents get 24 hour parking permits.
2. Several responders referred to a Royal Charter in place that means the charges would be illegal. Please refer to the Cambridge University book "British Royal Charters 1307 to 1660" (copy of page attached). The original

charter was 1368 and it was confirmed again in 1556, 1559 and 1604 and further strengthened in 1626. Swale Borough Council has a section in their rules that recognises Royal Charters as taking precedence.

**43 objections and 14 Comments plus 140 signature petition were received to the All Free Car Park Car Parks on the grounds that:**

All of the free car parks offer free access to free and funded activities and exercise for children, families, individuals and older people. The Leas is used by many to access fresh air, walking, cycling the exercise trail and to limit the accessibility to those who can't afford to pay goes against all the good work that has been done in recent years. This will also put additional pressure on residential roads as people find access to free parking, it may also make it difficult for the accessibility of Emergency Services.

The side roads will become more congested the Car Park also supports local amenities and business therefore to introduce charges will have a detrimental effect, Free and convenient parking is a huge factor when people are looking to book accommodation or visit and work in the area.

Local roads surrounding these car parks are becoming overwhelmed when these areas are busy (summertime particularly for Minster Leas and Queenborough) and that is without the car parking fees. If fees are introduced, side roads and local residents are going to be impacted negatively and/or the shops and businesses will suffer loss of footfall and revenue.

Public health data informs us that people living in our area are nearly twice as economically inactive as the average for the UK. The majority of the population of the Isle of Sheppey falls within the most deprived decile for the Index of Multiple Deprivation. These patients are statistically more likely to have long term chronic disease so have greater need of regular medical care.

Therefore, this change will impact on wellbeing, mental health, the local economy, and families who are already struggling.

We also received comments as detailed below:

1. For ALL car parks in the Swale area, offer the first half an hour free (via machine with registration number or Ringo to avoid abuse)
2. If you still decide to press ahead with the proposals, then at least help and support Queenborough Residents and furnish them with a FREE RESIDENTS PERMIT to help support their family's financial pocket.
3. Shingle Bank Permits  
Motor homes are permanently on the shingle bank between minster and Barton's point, for many it is their permanent residence. This could be targeted for overnight use, for example, introducing permits.
4. Several responses included reference to the Royal Charter, (see below)

🚩 **King Edward III conferred upon Queenborough the Rights of a Free Borough with a governing body of a Mayor and two Bailiffs. He**

granted Queenborough a Charter in 1366 and two years later bestowed upon Queenborough the duties of a Royal Borough upon it.

- ✚ The Royal Charter is an instrument of incorporation for Queenborough, granted by The King, which confers independent legal personality on an organisation and defines its objectives, constitution and powers to govern its own affairs.
- ✚ Our Royal Charter is permanent and may only be withdrawn by the Crown through due legal process. A Royal Charter is the gold standard of official recognition of an incorporated body by the Crown.

**Officer view** – the validity of the Royal Charter argument has been looked at by the Councils Monitoring Officer who has confirmed;

*The Queenborough Borough Charter was effectively repealed as a result of a combination of steps.*

*Queenborough was reviewed by the 1876 Royal Commission and identified for reform. The Borough did not renew its (Royal) Borough Charter, but rather was reformed as a Municipal Borough under the Municipal Corporations Acts. It remained a Municipal Borough until the Local Government reorganisation in 1974. As such, the original Borough Charter is of historical interest, but not in any way legally binding.*

### **3 objections and 1 Comment were received to the Tariff Increase on the grounds that:**

The local community and businesses are struggling to pull custom in without the council increasing charges resulting in people not using the local shops and encouraging them to order online, it may also increase commuters parking in residential areas.

Another response cited **CLAUSE 89 of the Traffic Management Bill**, Application of surplus income from parking places.

*179. The use of surplus income from parking charges and penalty charges is governed by section 55 of the Road Traffic Regulation Act 1984. Once the need for the provision of off-street parking facilities and to make good deficits to central funding has been met, the use of surpluses is currently confined to the provision of public transport services or to road improvements. This clause amends section 55 to add to that list the additional purpose of using surplus income to fund local environmental improvements. "Environmental improvement" is defined in a broad sense to encompass recreational or scenic improvements. It also amends section 55 to enable the appropriate national authority to make regulations specifying classes or descriptions of authorities, or particular authorities (for example those which may be designated under section 99 of the Local Government Act 2003 as high-performing authorities), as having complete freedom in the way they spend surplus parking income once the needs of parking provision have been considered.*

I do not think any such freedom has been afforded to Swale Borough Council and, therefore, question the legitimacy of this and other traffic orders relating to Swale off-street parking that have already generated significant surplus I not only object but believe this should be referred to the Local Government Ombudsman to scrutinise what is going on.

**Officer view** – on this last element, this particular clause relates to charges and PCNs for ON-STREET parking and not off-street parking, therefore this should not be a consideration for refusal of implementing the new changes.

**Recommendation:**

1. There is clear opposition to the change of use at the three free car parks proposed for charging. This has been provided through consultation responses and the relevant petitions. Members of the Community Committee therefore need to consider if to proceed with the recommendation in the committee report.
2. There was limited response in relation to the tariff increase or the charging hours period. Those that did comment mentioned that the fixed evening rate would not help those that stay for a short period. As a result, it is recommended that the Committee agree the recommendation in the Committee report to amend the charging period. Full Council agreed the tariff charging structure on 21 February 2024 and the evidence in this report supports that decision.