



Department
for Environment
Food & Rural Affairs

Policy document:
The Expedited Return Scheme (ERS)
and the Prioritisation of Goods
Scheme for Gibraltar-bound grocery
vehicles

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We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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Contents

1. Introduction	4
2. Background	4
3. Policy Rationale	5
4. The Expedited Return Scheme (ERS).....	5
5. The Prioritisation of Goods Scheme for Gibraltar-bound grocery vehicles	8
6. Enforcement.....	9

1. Introduction

This document sets out the policy in relation to the Expedited Return Scheme (ERS). The Heavy Commercial Vehicles in Kent (No. 3) (Amendment) Order 2021, amending the Heavy Commercial Vehicles in Kent (No. 3) Order 2019, provides the legal basis for the ERS. Together with that legislation, this policy ensures that, should there be significant delays to crossing the Short Straits, empty food delivery vehicles can be expedited through the Kent Traffic Management system in order to restock and return to the UK.

In parallel, a scheme will also be put in place to safeguard food supplies to Gibraltar which relies heavily on shipments by the UK supermarket Morrisons. The policy ensures that Gibraltar-bound grocery vehicles can be expedited under similar arrangements in the event of road disruption in the vicinity of Dover/Folkestone.

This document describes the eligibility criteria for both schemes and the conditions under which the schemes will be activated and deactivated.

2. Background

The food supply chain is one of the UK's critical infrastructure sectors and ensuring the smooth flow of goods across the UK's borders is a key Government objective.

The UK food supply chain runs on a 'just in time' basis, which means it is inherently susceptible to delays. The potential for disruption during the first few months of 2021 is high, as new post-EU transition period processes and procedures come into force and the continuing effects of COVID-19-related absences are felt.

The combination of these unprecedented factors is likely to contribute to delays at the UK/EU border which could, in turn, disrupt the UK's 'just in time' food supply chain by delaying empty goods vehicles returning to the EU where they can collect more food.

Small but visible changes in the availability of food products in the UK can trigger disproportionate consumer behaviour, including panic buying. This can rapidly destock the food system and supplies of ambient goods, as we saw in March 2020. This occurred even without any disruption to food supply chains and in spite of a concerted comms campaign. It is highly likely such behaviour would reoccur if food supply was subject to disruption.

In addition, Gibraltar relies on the UK for approximately 50% of its food supply. Should food supply from the UK to Gibraltar be disrupted by delays at the Short Straits, local alternatives may not be able to scale up at the speed necessary to fully supply Gibraltar, potentially causing supply issues and associated negative consumer behaviour.

3. Policy Rationale

This policy aims to minimise the impact of disruption to UK food supply, and food supply to Gibraltar, caused by traffic disruption at the Short Straits. It seeks to maintain consumer confidence in food supply, reducing the risk of stockpiling, panic buying and other negative consumer behaviour.

These impacts will be mitigated through two schemes:

- An **Expedited Return Scheme (ERS)** which will allow empty food vehicles to bypass static traffic on the approaches to the Port of Dover and the Eurotunnel, using the Operation Brock contraflow between Junctions 8 and 9 of the M20. This will enable vehicles to return to European bases, restock and return to the UK with fresh supplies. This mitigation is intended to help give hauliers the confidence that they will be able to return to the EU, even in the event of road disruption in Kent. It will therefore ensure ongoing food supply to the UK.
- Amendment to the **Prioritisation of Goods Scheme** to introduce Gibraltar-bound groceries as a new category of priority good. This will enable vehicles carrying full grocery loads to a final destination in Gibraltar to be expedited through the Kent Traffic Management System. It will allow eligible vehicles to use the Operation Brock contraflow between Junctions 8 and 9 of the M20, therefore enabling them to cross the Short Straits without disruption to ensure ongoing food supply to Gibraltar.

Both schemes are designed to be used only *in extremis*, and for the shortest time necessary for disruption to the food supply to subside. The schemes must be operated in a way that does not itself cause disruption to the Kent Traffic Management System (i.e. they must be limited to a manageable quantity of vehicles and will be subject to suspension at the discretion of Kent Silver Command). The Secretary of State will only exercise his powers to implement these contingency measures when it is agreed that the relevant trigger points have been reached, and wider contextual factors indicate it is necessary to do so.

4. The Expedited Return Scheme (ERS)

The amendments made to Articles 1, 2, 3 and 7 of the Heavy Commercial Vehicles in Kent (No.3) Order 2019 by the Heavy Commercial Vehicles in Kent (No. 3) (Amendment) Order 2021 (“the amending Order”) provide the Secretary of State with the power to issue a “priority food supply permit” to the driver of an HCV that is a “critical food supply vehicle”. This permit will provide the vehicle with priority access to Junctions 8 and 9 of the coastbound M20 motorway, provided that the vehicle displays a valid “priority food supply permit”, along with a reflective and adhesive sticker authorised by the permit. The permit will specify the period of validity, to a maximum of 24 hours. This scheme will enable the vehicle to travel from the UK to the EU to restock and return to the UK speedily with fresh supplies.

Eligibility

A “critical food supply vehicle” is defined in Article 2(1)(a) of the amending Order as a relevant vehicle which the Secretary of State considers is critical to the maintenance of food supply in the UK. The Secretary of State considers vehicles meeting the following criteria to be critical to the maintenance of food supply in the UK:

1. transporting fresh, ambient or frozen food products as part of the logistics supply chain supplying food to the UK supermarkets, as determined by Defra, that have the largest market share (around 95% of the UK food retail market); Tesco, Sainsbury’s, Asda, Morrisons, Aldi, Co-op, Lidl, Waitrose and M&S and their logistics partners;
2. of a certain type, including the following:
 - a. Insulated carrying fresh produce
 - b. Refrigerated carrying fresh produce
 - c. Frozen carrying frozen goods
 - d. Tautliner carrying ambient goods;
3. expected to return to the UK, with food supply, within 10 days;
4. empty; meaning that they do not contain any goods or material that would be subject to border checks (e.g. wooden pallets, re-usable packaging, or goods returning to the EU).

Vehicles are only eligible to take part in this scheme once the scheme has been activated. This will be done via confirmation that two key trigger points, alongside a wider range of contextual indicators, have been met. These are set out below.

Permits will be allocated in proportion to a retailer’s share of the UK food retail market based on Kantar’s assessment of industry data for the 12-week period ending 27 December 2020. The total number is capped at 295 per day to protect the Kent Traffic Management System. Defra will advise retailers of their daily allocation of permits. If a supermarket chooses not to utilise its full allocation, those permits will be reallocated.

The ERS will be available to the 9 supermarkets listed above, and their logistics partners, as determined by Defra. The scheme will cover supermarkets’ own haulage operations as well as their subcontracted hauliers which meet the eligibility criteria outlined above.

Activation

The ERS will only be activated if there are significant delays on the approaches to the Port of Dover and Eurotunnel (i.e. when Operation Brock is in operation) and if there is serious disruption or a risk of serious disruption to food supply in the UK. A decision will be taken on whether to activate the ERS on the basis that both of the triggers below are met, in addition to wider contextual factors indicating a serious risk of disruption to food supply in the UK:

Trigger 1 – congestion on the approach to Dover/Folkestone of 8 hours or more. This will be monitored by Kent Resilience Forum’s Transport Cell which has access to real time

data and will provide Defra with intelligence before the congestion trigger point is reached as static queues begin to build. The Cell operates on a 24/7 basis.

Trigger 2 – actual loads delivered to UK supermarkets falling below 75% of planned expectations for 2 consecutive days.

Alongside these trigger points, Defra will engage in regular communication across the retailer landscape to gather intelligence on a range of wider contextual indicators. These include: **increased consumer demand**, indicated by the introduction of item limits by retailers and/or any reported uplifts in sales of key items which could signify the onset of panic buying; and **increased retailer supply requirements**, indicated by an uptick in delivery bookings made by retailers of more than 10% which provides a proxy measure for concern about a run on stocks.

The decision to activate the scheme will not be taken before consulting the KRF Silver Command regarding the current operational situation within the Kent Traffic Management Plan area.

Deactivation

The ERS will be deactivated as soon as traffic flow rates recover, delivery flow returns to near normal, and contextual indicators show that demand and supply issues are settling.

The scheme may also be suspended, or limited in scope as to numbers of permits issued or hours of operation, if, in consultation with KRF Silver Command, it appears that it is causing material congestion on the M20 contraflow or otherwise having adverse impacts on the Kent Traffic Management Plan.

Operating the ERS

If the scheme is activated, Defra will communicate this directly to named contacts representing retailers.

Vehicles meeting the criteria outlined above will be eligible for a “priority food supply permit” provided that they are:

- accompanied by any necessary documentation to get through the border, including a valid Kent Access Permit (KAP) and proof of the driver’s negative COVID-19 test result taken within the previous 72 hours; and
- identified by the retailer; meaning that the vehicle type and registration number must be submitted to Defra prior to departure.

Permits will be issued on a daily basis, during any period that the scheme is in operation. Retailers requesting a permit will be required to submit key vehicle details, and confirm all eligibility criteria are met, electronically to Defra in order for permits to be issued.

Rationale

The overarching objective of the ERS is to maintain food supply to the UK and associated consumer confidence. It cannot accommodate all UK food supply vehicles as this would overwhelm the Kent Traffic Management System. Instead, ERS permits will be allocated to the 9 largest UK supermarkets in accordance with their share of the UK food retail market. The scheme must also be simple to administer and enforce.

There is potential for these measures to impact smaller suppliers, wholesalers or other food supply chain operators who fall out of scope of the scheme. These concerns have been noted through the consultation process. We are confident that offering access to the largest supermarkets with around 95% market share across the whole of the UK will maintain food supply, provide the consumer confidence we seek, and reduce the risk of stockpiling, panic buying and other negative consumer behaviour, while still ensuring that the scheme is simple enough to deliver quickly.

5. The Prioritisation of Goods Scheme for Gibraltar-bound grocery vehicles

Gibraltar-bound groceries have been added as a new category of priority good under the Government's pre-existing Prioritisation of Goods Scheme. The Heavy Commercial Vehicles in Kent (No.3) Order 2019 already contains provision for HCVs carrying single loads of live and fresh seafood for human consumption or day-old chicks to be prioritised through the Kent Traffic Management System through use of a "priority goods" permit. Article 2(6) of the amending Order extends the Secretary of State's power to issue a "priority goods" permit to vehicles carrying a full load of groceries which are intended to be transported to a final destination in Gibraltar.

Eligibility

Vehicles in scope of the Prioritisation of Goods Scheme will be Gibraltar-bound grocery supply lorries carrying full loads. The scheme will therefore be open to Gibraltar's largest supermarket, Morrisons, and its logistics partners.

Activation

A decision will be taken on whether to activate the Prioritisation of Goods Scheme for Gibraltar-bound grocery vehicles on the basis that both of the triggers below are met, in addition to wider contextual factors indicating a serious risk of disruption to food supply in Gibraltar:

Trigger 1 – congestion on the approach to Dover/Folkestone of 8 hours or more. This will be monitored by Kent Resilience Forum's Transport Cell which has access to real time data and will provide Defra with intelligence before the congestion trigger point is reached as static queues begin to build. The Cell operates on a 24/7 basis.

Trigger 2 – actual loads delivered to Gibraltar’s largest supermarket, Morrisons, falling below 75% of planned expectations for 2 consecutive days.

Alongside these trigger points, Defra will engage in regular communication with Morrisons to gather intelligence on wider contextual indicators. For example, **increased consumer demand**, indicated by the introduction of item limits and/or any reported uplifts in sales of key items which could signify the onset of panic buying.

Deactivation

The deactivation trigger points for the Prioritisation of Goods Scheme for Gibraltar-bound grocery vehicles will be the same as those listed for the ERS.

Operating the Prioritisation of Goods Scheme for Gibraltar-bound grocery vehicles

The Prioritisation of Goods Scheme for Gibraltar-bound grocery vehicles will operate in the same way as the ERS. Vehicles meeting the criteria outlined above will be eligible for a “priority goods permit” provided that they are:

- accompanied by any necessary documentation to get through the border, including a valid Kent Access Permit (KAP) and proof of the driver’s negative COVID-19 test result taken within the previous 72 hours;
- identified by the retailer; meaning that the vehicle type and registration number must be submitted to Defra prior to departure.

Permits will be issued on a daily basis, during any period that the scheme is in operation. Retailers requesting a permit will be required to submit key vehicle details, and confirm all eligibility criteria are met, electronically to Defra in order for permits to be issued.

Rationale

The overarching objective of the Prioritisation of Goods Scheme for Gibraltar-bound grocery vehicles is to maintain food supply to Gibraltar and associated consumer confidence. “Priority goods” permits will be allocated to Morrisons only, given that the vast majority of UK food supply to Gibraltar is provided by Morrisons, who operate the only large supermarket on Gibraltar.

We are confident that offering access to the scheme to Morrisons will maintain food supply, provide the consumer confidence we seek, and reduce the risk of stockpiling, panic buying and other negative consumer behaviour in Gibraltar.

6. Enforcement

Enforcement will be carried out according to the existing powers of Kent Police under the Kent Traffic Management Plan.

Defra will also carry out reconciliation checks to ensure retailers have accounted for the number of permits and stickers issued and the associated vehicle registrations. As above, data on the permits/stickers in use, and the associated vehicle registration numbers for a given day, will be shared with enforcement agencies.