

The County of Cornwall (Fowey) (Various Streets) (On-Street Parking Places and Restrictions on Waiting) (Consolidation) Order 2005

THE CORNWALL COUNTY COUNCIL in exercise of their powers under Sections 1, 2, 32 and 35 (and Part IV of Schedule 9) to the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”) and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby make the following Order:-

1 Commencement, Citation and Revocation

- 1.1 This Order shall come into operation on the 22nd day of September 2005 and may be cited as “The County of Cornwall (Fowey) (Various Streets) (On-Street Parking Places and Restrictions on Waiting) (Consolidation) Order 2005”
- 1.2 The Traffic Regulation Orders specified in Article 9 to this Order are hereby revoked.

2 Interpretations

- 2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-
 - 2.1.1 “**badges regulations**” means the Disabled Persons (badges for Motor Vehicles) (England) Regulations 2000;
 - 2.1.2 “**disabled person’s badge**” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
 - 2.1.3 “**disabled person’s parking place**” means any area of highway described in the Seventh and Eighth Schedules to this Order which is comprised within and indicated by a road marking complying with diagram 1028.3 or 1033 variant in Schedule 6 to the Traffic Signs Regulations and General Directions 2002 as appropriate with respect to Article 5 to this Order;
 - 2.1.4 “**disabled person’s vehicle**” means a vehicle displaying a disabled person’s badge in the circumstances prescribed in Regulations 13, 14, 15 or 16 of the Disabled Persons (Badges for Motor Vehicles) Regulations 2000;
 - 2.1.5 “**Driver**” in relation to a vehicle left at or waiting in a Parking Place means the person driving the vehicle at the time it was left at or is waiting at the Parking Place;
 - 2.1.6 “**enactment**” means any enactment whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
 - 2.1.7 “**invalid carriage**” means a vehicle, whether mechanically propelled or not, constructed or adapted for use for the carriage for one person, being a person suffering from some physical defect or disability;

- 2.1.8 “**Loading**” and “**Unloading**” means the conveyance of goods or merchandise to or from any premises situated on or adjacent to that length of road, to the extent that such goods or merchandise cannot, by reason of size, weight or value, reasonably be conveyed otherwise than by vehicle;
- 2.1.9 “**Loading Bay**” means any area of highway described in the Third Schedule to this Order which is comprised within and indicated by a road marking complying with diagram 1028.3 of the Traffic Signs Regulations and General Directions 2002 and showing the words “Loading Only”.
- 2.1.10 “**parking bay**” means a space in the parking place which is provided for the leaving of a vehicle;
- 2.1.11 “**Parking Permit**” means a parking permit issued by the Council or its local agent or authority;
- 2.1.12 “**parking place**” means any area of highway which is authorised to be used as a parking place under the provisions of this Order;
- 2.1.13 “**relevant position**” has the same meaning as in the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- 2.1.14 “**taxi**” and “**taxi rank**” have the same meanings respectively as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002;
- 2.1.15 any reference to a length or lengths of road is a reference to a length or lengths of road in Fowey.
- 2.2 any reference to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated or re-enacted by, or as having effect by virtue of, any subsequent enactment;
- 2.3 The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

PART I – RESTRICTIONS ON WAITING AND LOADING

- 3 **Restriction on Waiting, Loading and Unloading of Vehicles in certain roads other than parking places.**
- 3.1 Save as provided in Article 4 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden, cause or permit any vehicle to wait -
- 3.1.1 at any time in the lengths of road specified in the First Schedule to this Order.

3.1.2 between 1st day of May to the 30th day of September (both dates inclusive) in the lengths of road specified in the Second Schedule to this Order

4 **Exemptions from Waiting Restrictions - General**

4.1 Nothing in Article 3 of this Order shall -

4.2 render it unlawful to cause or permit any vehicle to wait in any of the lengths of road referred to in that Article for so long as may be necessary to enable

(a) a person to board or alight from the vehicle;

(b) a vehicle, if it is in the service of or employed by the Post Office, to be used for the purpose of delivering or collecting postal packets as defined in Section 125 (1) of the Postal Services Act 2000;

(c) goods to be loaded onto or unloaded from the vehicle,

(d) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the length of road so referred to or the laying, erection, alteration or repair in or near to the said length of road of any sewer or of any main, pipe, cable or apparatus for the provision of gas, water, electricity or telecommunications;

(e) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers or duties; or

(f) the vehicle to take in fuel, oil, water or air from any garage situated on or adjacent to the said length of road;

4.3 apply to any vehicle being used for police, fire brigade or ambulance purposes.

4.4 apply to any vehicle when the person in control of the vehicle -

(i) is required by law to stop;

(ii) is obliged to stop in order to avoid an accident; or

(iii) is prevented from proceeding by circumstances outside his control.

4.5 apply to any vehicle owned by a funeral director or owner of funeral vehicles when in use as part of a funeral cortege or otherwise in connection with a funeral; or

4.6 apply to any taxi while waiting at a duly authorised taxi rank.

4.7 Nothing in Article 3.1 of this Order shall render it unlawful to cause or

permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in any of the lengths of road referred to in the said Article for a period not exceeding 3 hours (not being separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road)

PART II – PARKING PLACES

5 Disabled Person's Parking Place

- 5.1 The area of highway specified in the Fourth and Fifth Schedules to this Order are authorised to be used, subject to the following provisions of this Order, as a parking place on such days and during such hours as are specified in relation to that area of highway in the said schedule.
- 5.2 No vehicle shall be left at any Disabled Person's Parking Place during the permitted hours unless it displays in the relevant position a valid Disabled Persons Badge or is an invalid carriage.

6 Loading Bays

- 6.1 The areas of highway specified in the Third Schedule to this Order are authorised to be used, subject to the following provisions of this Order, as Loading Bays for the leaving of
- (i) such classes of vehicle, in such positions, and for such maximum period, as are specified in Article 6.2 of this Order, and
 - (ii) on such days and during such hours as is specified in the Schedule to this Order.
- 6.2 No person shall cause or permit a vehicle to wait in a parking place specified in the Schedule :-
- 6.2.1 unless it is for the time being engaged in the loading or unloading of goods or merchandise;
 - 6.2.2 unless it is wholly within the limits of the parking place and parallel to the side of the road nearest to the vehicle;
 - 6.2.3 for longer than is necessary to enable goods or merchandise to be loaded onto or unloaded from the vehicle

7 Street Parking Place

- 7.1 The areas of highway specified in the Sixth, Seventh and Eighth Schedules to this Order are authorised to be used, subject to the following provisions of this Order, as a parking place on such days and during such hours as are specified in relation to that area of highway in the said schedule.

PART III – RESTRICTIONS ON USE OF PARKING PLACES

- 8.1 Nothing in Articles 5, 6 and 7 shall restrict the power of the Council, for preventing obstruction of the streets, by Order on the occasion of any public procession, rejoicing or illumination, or when the streets are thronged or liable to be obstructed, to close any parking place.
- 8.2 The driver of a vehicle shall not permit it to wait in the parking place in a position other than that specified in relation to that parking place in the Third, Fourth, Fifth, Sixth, Seventh and Eighth Schedules to this Order.
- 8.3 Every vehicle left in a parking place shall stand so that every part of the vehicle is within the limits of the parking place.
- 8.4 The driver of a vehicle shall not permit it to wait in the parking place in a position other than that specified in Article 8.3 to this Order;
- 8.5 The driver of a vehicle shall not use the parking place -
- 8.5.1 so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance; or
- 8.5.2 when for preventing obstruction of the streets the Council by Order made on the occasion of any public procession, rejoicing or illumination, or when the streets are thronged or liable to be obstructed, has closed the parking place and exhibited notice of such closing on or near the parking place;
- 8.6 The driver of a motor vehicle using the parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle or to depart from the parking place.
- 8.7 No person shall use a vehicle, while it is in the parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his or her skill or services: provided that nothing in this Article shall prevent the sale of goods from a vehicle if the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected.
- 8.8 No person shall use any part of the parking place or any vehicle left in the parking place -
- (a) for sleeping or camping purposes;
- (b) for cooking purposes; or
- (c) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

- 8.9 Where any vehicle is standing in the parking place in contravention of the provision of Article 8.4 of this Order a police constable in uniform or a traffic warden may alter or cause to be altered the position of the vehicle so that its position shall comply with that provision.
- 8.10 Where a police constable in uniform or a traffic warden is of the opinion that any of the provisions contained in Articles 8.4, 8.5, 8.6, 8.7, 8.8 and 8.9 of this Order have been contravened or not complied with in respect of a vehicle left in the parking place, he may remove or cause to be removed the vehicle from the parking place and, where it is so removed, shall make such arrangements as may be necessary for the safe custody of the vehicle.

PART IV - REVOCATION OF TRAFFIC REGULATION ORDERS

9.

9.1

The following Orders are hereby revoked -

The County of Cornwall (Trafalgar Square, Fowey) (Disabled Persons Street Parking Place) Order 2003

The County of Cornwall (Fowey) (Various Streets) (Loading Area) Order 2003

The County of Cornwall (Fowey) (Various Streets) (Street Parking Place) Order 2003

The County of Cornwall (Windmill, Fowey) (Disabled Persons Street Parking Place) Order 2003

The County of Cornwall (Fowey) (Various Streets) (Restrictions on Waiting) Order 2002

The County of Cornwall (Fowey) (Esplanade) (Street Parking Place) Order 2002

The County of Cornwall (Fowey) (Various Streets) (Restrictions on Waiting) Order 2000

The County of Cornwall (Fowey) (Green Lane) (Prohibition of Waiting) Order 1991

The County of Cornwall (Fowey) (Traffic Regulation) Order 1956

The County of Cornwall (Tower Park Road and Gallants Drive, Fowey) (prohibition of Waiting) Order 1967

The County of Cornwall (Fowey) (Prohibition of Waiting) Order 1988

The County of Cornwall (Fowey) (prohibition of Waiting) (No.2) Order 1988

The County of Cornwall (Fowey) (Various Streets) (Prohibition of Waiting) Order 1986

The County of Cornwall (Fowey) (Restrictions on Waiting) Order 1982

The County of Cornwall (Fowey) (St.Fimbarrus Road) (Restriction on Waiting) Order 1980

The County of Cornwall (Fowey) (Various Streets) (Restrictions on Waiting) Order 1978

The Borough of St.Austell with Fowey (Fowey, Various Streets) (Prohibition and Restriction of Waiting) Order 1973

The Borough of St.Austell with Fowey (Hanson Drive, Tower Park Road, Gallants Drive and Pikes Hill, Fowey) (Prohibition and Restriction of Waiting) Order 1969

The Borough of St.Austell with Fowey (Trafalgar Square, Fowey) (Prohibition and Restriction of Waiting) Order 1970

The County of Cornwall (Fowey) (Various Streets) (Prohibition of Waiting) Order 1968

The County of Cornwall (Cobbs Well and Rosehill, Fowey) (Prohibition of Waiting) Order 1967

GIVEN under the Common Seal of the Council this 12th day of September 2005.

THE COMMON SEAL of
the Cornwall County Council
was hereunto affixed in the

presence of

ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY OF CORNWALL
(FOWEY) (VARIOUS STREETS) (ON-STREET
PARKING PLACES AND RESTRICTIONS ON
WAITING) (CONSOLIDATION) ORDER 2005

FIRST SCHEDULE

No waiting at any time

- | | | | |
|-----|---------------------------------|------|---|
| 1. | Browns Hill
(U6143) | | both sides
from its junction with Cobbs Well for its entire length. |
| 2. | Cobbs Well
(U6143) | | both sides
from its junction with Green Lane to its junction with
Lostwithiel Street |
| 3. | Daglands Road
(U6143) | | both sides
from its junction with Lostwithiel Street to its junction with
Esplanade |
| 4. | Esplanade
(U6143) | | both sides
from its junction with Lostwithiel Street to its junction with
Tower Park |
| 5. | Fore Street
(B3269) | | both sides
from its junction with North Street to its junction with
Webb Street |
| 6. | Green Lane
(U6143) | (a) | north-east side
from its junction with Rawlings Lane for a distance of
141 metres in a north-westerly direction |
| | | (b) | south-west side
from its junction with Park Road to its junction with
Rawlings Lane |
| 7. | Hanson Drive
(U6143) | | both sides
from its junction with New Road Hill to its junction with
Pikes Hill |
| 8. | Langurtho Road
(U6143) | (i) | both sides
from its junction with Park Road for a distance of 16
metres in a northerly direction |
| | | (ii) | from its junction with Polvillion Road for a distance of 14
metres in a northerly direction |
| 9. | Lostwithiel Street
(A3082) | | both sides
from its junction with South Street to its junction with
New Road Hill |
| 10. | Market Street
(Unclassified) | | both sides
for its entire length . |
| 11. | New Road Hill
(A3082) | | both sides
from its junction with Windmill to its junction with
Lostwithiel Street |
| 12. | North Street
(B3269) | | both sides
from its junction with Fore Street to its junction with |

Passage Street

- | | | |
|-----|---------------------------|--|
| 13. | Park Road
(U6143) | <ul style="list-style-type: none"> (a) north side (i) from its junction with Langurtho Road for a distance of 53 metres in a westerly direction (ii) from its junction with Langurtho Road for a distance of 20 metres in an easterly direction (iii) from its junction with Green Lane for a distance of 37 metres in a south-westerly direction (b) south side (i) from its junction with Polvillion Road for a distance of 66 metres in an easterly direction (ii) from its junction with Green Lane for a distance of 33 metres in a south-westerly direction |
| 14. | Passage Street
(B3269) | both sides
from its junction with North Street to its junction with Station Road |
| 15. | Pikes Hill
(U6143) | both sides
from its junction with Hanson Drive to its junction with Daglands |
| 16. | Place Road
(U6143) | both sides
from its junction with Green Lane to its junction with Lostwithiel Street |
| 17. | Polvillion
(A3082) | <ul style="list-style-type: none"> (a) north side (i) from its junction with Langurtho Road for a distance of 11 metres in an easterly direction (ii) from its junction with Langurtho Road for a distance of 16 metres in a westerly direction (b) north-east side from its junction with New Road Hill for a distance of 45 metres in a north-westerly direction |
| 18. | Rawlings Lane
(U6143) | both sides
from its junction with Green Lane to its junction with Station Road |
| 19. | Rose Hill
(U6143) | both sides
from its junction with Place Road to its junction with Cobbs Well |
| 20. | Saffron Close
(U6143) | both sides
from its junction with Hanson Drive for its entire length. |
| 21. | South Street
(A3082) | <ul style="list-style-type: none"> (a) both sides
for its entire length . (b) east side
from its junction with the unclassified road leading to the Town Hall to its junction with Market Street |
| 22. | St Fimbarrus Road | (a) both sides |

	(Unclassified)	<ul style="list-style-type: none"> (i) from its junction with Daglands for a distance of 30 metres in a south-westerly direction (ii) from its junction with Pikes Hill for a distance of 18 metres in a south-westerly direction (b) south-east side from a point 134 metres south-west of its junction with Pikes Hill for a distance of 27 metres in a south-westerly direction
23.	Station Road (B3269)	<ul style="list-style-type: none"> both sides from its junction with Rawlings Lane in an easterly direction to a point 21 metres east of its junction with access to slipways off Station Road
24.	Unclassified Road Leading To The Town Hall (Unclassified)	<ul style="list-style-type: none"> (a) north side (i) from its junction with South Street for a distance of 4 metres in an easterly direction (ii) from a point 13 metres east of its junction with South Street to its termination (b) south side from its junction with South Street to its termination
25.	Vicarage Meadow (U6143)	<ul style="list-style-type: none"> both sides from its junction with Green Lane for a distance of 40 metres in a south-westerly direction
26.	Vicarage Meadow (southern Spur) (Unclassified)	<ul style="list-style-type: none"> both sides (i) from its junction with Green Lane for a distance of 36 metres in a south-westerly direction (ii) from its junction with Green Lane for a distance of 12 metres in a south-westerly direction (iii) from its junction with Green Lane for a distance of 15 metres in a south-westerly direction
27.	Webb Street (Unclassified)	<ul style="list-style-type: none"> both sides for its entire length .
28.	Windmill (U6143)	<ul style="list-style-type: none"> (a) east side from its junction with New Road Hill for a distance of 9 metres in a southerly direction (b) west side (i) from its junction with Windmill for a distance of 26 metres in a westerly direction (ii) from its junction with Polvillion for a distance of 16 metres in a southerly direction

SECOND SCHEDULE

No waiting between 01 May and 30 Sep

- | | | | |
|----|------------------------------|-------|---|
| 1. | Gallant's Drive
(U6143) | | both sides
from its junction with Hanson Drive to its junction with
Tower Park |
| 2. | Hanson Drive
(U6143) | | both sides
between its junction with Pikes Hill and its junction with
Tower Park |
| 3. | Readymoney Road
(U6143) | | both sides
from its junction with Tower Park for a distance of 225
metres in a westerly direction |
| 4. | St Fimbarrus Road
(U6143) | (a) | north-west side |
| | | (i) | from a point 18 metres south-west of its junction with
Pikes Hill for a distance of 222 metres in a south-
westerly direction |
| | | (ii) | for a distance of 293 metres north-west of its junction
with Pikes Hill for a distance of 9 metres in a westerly
and southerly direction. |
| | | (iii) | from a point 273 metres south-west of its junction with
Pikes Hill for a distance of 12 metres in a south-westerly
direction |
| | | (iv) | from a point 249 metres south west of its junction with
Pikes Hill for a distance of 18 metres in a south-westerly
direction |
| | | (b) | south-east side
from a point 30metres south-west of its junction with
Daglands Road for a distance of 27 metres in a south-
westerly direction |
| 5. | Tower Park
(U6143) | (a) | north side
from its junction with Hanson Drive to a point 111 metres
east of its junction with Gallant's Drive |
| | | (b) | south side |
| | | (i) | from its junction with Hanson Drive to its junction with
Readymoney Road |
| | | (ii) | from its junction with Readymoney Road for a distance
of 140 metres in a north-easterly direction |

THIRD SCHEDULE

Loading Bay at any time

- | | | |
|----|---|---|
| 1. | Fore St
(B3269) | north-west side
from a point 48 metres north-east of its junction with
Webb St for a distance of 16 metres in a north-easterly
direction |
| 2. | Lankelly Lane (area
Adjacent To Main
Carriageway)
(Unclassified) | east side

from a point 97 metres east of its junction with Rashleigh |

- | | | |
|----|---|---|
| | | Lane to its junction with Polvillion Road |
| 3. | Polvillion Road (area Adjacent To Main Carriageway) (A3082) | south side

from its junction with Lankelly Lane for a distance of 15 metres in an easterly direction |
| 4. | South Street (A0382) | west side
from a point 7 metres north-west of its junction with Lostwithiel Street for a distance of 13 metres in a north-westerly direction |

FOURTH SCHEDULE

Disabled Parking Bay at any time

- | | | |
|----|-------------------------|--|
| 1. | Windmill (Unclassified) | south side
from a point 250 metres south of its junction with New Road Hill for a distance of 6 metres in an easterly direction |
|----|-------------------------|--|

FIFTH SCHEDULE

Disabled Parking Bay 3 hours no return within 3 hours

- | | | |
|----|---|--|
| 1. | Unclassified Road Leading To The Town Hall (Unclassified) | north side

from a point 4 metres east of its junction with South Street for a distance of 5 metres in an easterly direction and having a width throughout of 4.8 metres |
|----|---|--|

SIXTH SCHEDULE

Street Parking Place 2 hours no return within 4 hours daily

- | | | |
|----|-------------------|--|
| 1. | Esplanade (U6143) | north-west side
from a point 121 metres north-east of its junction with Daglands Road/The Esplanade for a distance of 27 metres in a north-easterly direction |
|----|-------------------|--|

SEVENTH SCHEDULE

Street Parking Place 2 hours no return within 2 hours daily

- | | | |
|----|-------------------|--|
| 1. | Esplanade (U6143) | south-east side
from a point 153 metres north-east of its junction with Daglands Road/The Esplanade for a distance of 18 metres in a north-easterly direction |
|----|-------------------|--|

EIGHTH SCHEDULE

Street Parking Place 30 minutes no return within 1 hour daily

1. Unclassified Road Leading
 To The Town Hall
 (Unclassified)

north side

from a point 9 metres east of its junction with South
Street for a distance of 4 metres in an easterly direction