

The County of Cornwall (Fowey) (Various Streets) (On-Street Parking Places and Restrictions on Waiting) (Consolidation) Order 2009

THE CORNWALL COUNCIL in exercise of their powers under Sections 1, 2, 32 (1) and 35 (1) of (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 2nd day of October 2009 and may be cited as "The County of Cornwall (Fowey) (Various Streets) (On-Street Parking Places and Restrictions on Waiting) (Consolidation) Order 2009"
- 1.2 The Traffic Regulation Orders specified in Article 10 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 Sixth Schedule to this Order which is comprised within and indicated by a road marking complying with 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 Fourth Schedule to this Order which is comprised within and indicated by a road marking complying with the Traffic Signs Regulations and General Directions 2002.
- 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 **“solo motor cycle”** as defined in Section 136 of the Act of 1984
- 2.1.16 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 **Restrictions 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 May – 30th September (both dates inclusive) in the lengths of road specified in the Second Schedule to this Order

- 3.2 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 -
- 3.2.1 between the hours of 8am and 8pm (both hours inclusive) in the length of road specified in the Third Schedule to this Order -
- (i) for a longer period than 30 minutes; or
 - (ii) if a period of less than 2 hour has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle in that length of road.
- 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 or her 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).
- 4.8 Nothing in Article 3.2 of this Order shall apply to any disabled person's vehicle which displays in the relevant position a disabled person's badge or to an invalid carriage.

PART II – PARKING PLACES

- 5 **Disabled Person's Parking Place**
- 5.1 The area of highway specified in the Fifth and Sixth Schedules to this Order is 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 Fourth 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 area of highway specified in the Seventh, Eighth and Ninth Schedule to this Order is 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.

8

Solo Motorcycle Parking Place

8.1

The area of highway specified in the Tenth Schedule to this Order is authorized to be used, subject to the following provisions of this Order, as the parking place for the leaving of:-

- (i) such class of vehicle and in such positions as are specified in Article 8.2
- (ii) on such days and during such hours as is specified in the Tenth Schedule to this Order

8.2

No person shall cause or permit a vehicle to wait in the parking place specified in the Schedule unless-

8.2.1

It is a solo motor-cycle as defined in Article 2.1.15

8.2.2

It is wholly within the limits of the parking place.

PART III – RESTRICTIONS ON USE OF PARKING PLACES

9.

9.1

Nothing in Articles 5, 6, 7 and 8 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.

9.2

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 Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Schedule to this Order.

9.3

Every vehicle left in a parking place shall stand so that every part of the vehicle is within the limits of the parking place.

9.4

The driver of a vehicle shall not permit it to wait in the parking place in a position other than that specified in Article 9.3 to this Order;

9.5

The driver of a vehicle shall not use the parking place -

9.5.1

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

9.5.2

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;
- 9.6 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.
- 9.7 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.
- 9.8 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.
- 9.9 Where any vehicle is standing in the parking place in contravention of the provision of Article 9.4 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.
- 9.10 Where a police constable in uniform or a traffic warden is of the opinion that any of the provisions contained in Articles 9.4, 9.5, 9.6, 9.7 and 9.8 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

- 10.
- 10.1 The following Orders are hereby revoked -
- The County of Cornwall (Fowey) (Various Streets) (On-Street Parking Places and Restrictions on Waiting) (Consolidation) Order 2005
- The County of Cornwall (Fowey) (Various Streets) (On-Street Parking Places and Restrictions on Waiting) (Consolidation) Order 2005 (Amendment No.1) Order 2007

The County of Cornwall (Fowey) (Various Streets) (On-Street Parking Places and Restrictions on Waiting) (Consolidation) Order 2005
(Amendment No.2) Order 2008

GIVEN under the Common Seal of the Council this 21st day of September 2009

THE COMMON SEAL of
the Cornwall 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 2009

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) (a) north side
from a point 53 metres west of its junction with Langurtho Road to a point 146 metres east of that junction
(b) north-west side
(i) from its junction with Green Lane for a distance of 37 metres in a south-westerly direction
(ii) from its junction with Tavern Barn for a distance of 8 metres in a south-westerly direction
(iii) from its junction with the access road to the rear of 1-19 Park Road for a distance of 1 metres in a north-easterly direction
(c) south side
from its junction with Polvillion Road for a distance of 66 metres in an easterly direction
(d) south-east side
from its junction with Green Lane for a distance of 33 metres in a south-westerly direction
14. Passage Lane
(B3269) both sides
from its junction with Rawlings Lane in an easterly direction to its junction with Station Road
15. Passage Street
(B3269) both sides
from its junction with North Street to its junction with Station Road
16. Pikes Hill
(U6143) both sides
from its junction with Hanson Drive to its junction with Daglands
17. Place Road
(U6143) both sides
from its junction with Green Lane to its junction with Lostwithiel Street
18. Polvillion
(A3082) (a) north side
from a point 16 metres west of its junction with Langurtho Road to a point 11 metres east of that junction
(b) north-east side
from its junction with New Road Hill for a distance of 45 metres in a north-westerly direction
19. Polvillion Road
(A3082) south side
from its junction with Windmill for a distance of 26 metres in a westerly direction
20. Rawlings Lane
(U6143) both sides
from its junction with Green Lane to its junction with Station Road
21. Rose Hill
(U6143) both sides
from its junction with Place Road to its junction with Cobbs Well

22. Saffron Close
(U6143) both sides
from its junction with Hanson Drive for its entire length.
23. South Street
(A3082) (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
24. St Fimbarrus Road
(Unclassified) (a) north-west side
from its junction with Pikes Hill for a distance of 18 metres in a south-westerly direction
(b) south-east side
(i) from its junction with Daglands for a distance of 30 metres in a south-westerly direction
(ii) from a point 134 metres south-west of a point opposite its junction with Pikes Hill for a distance of 27 metres in a south-westerly direction
25. Station Road
(B3269/C0772) both sides
from its junction with Passage Lane to its junction with Passage Street
26. Tavern Barn
(U6143) south side
from its junction with Park Road for a distance of 15 metres in a north-westerly direction
27. Unclassified Road Leading To The Town Hall
(Unclassified) (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
28. Unnamed Access Road To Estate Opposite Fowey Hospital
(U6143) both sides
from a point 22 metres east of its junction with Green Lane for a distance of 25 metres in an easterly direction
29. Vicarage Meadow
(U6143) north-west side
from its junction with Green Lane for a distance of 40 metres in a south-westerly direction
30. Vicarage Meadow
(southern Spur)
(U6143) (a) north-west side
from its junction with Green Lane for a distance of 15 metres in a south-westerly direction
(b) south-east side
(i) from its junction with Green Lane for a distance of 12 metres in a south-westerly direction
(ii) from its junction with Green Lane for a distance of 36 metres in a south-westerly direction

- | | | |
|-----|-------------------------------|--|
| 31. | Webb Street
(Unclassified) | both sides
for its entire length |
| 32. | Windmill
(U6143) | <ul style="list-style-type: none"> (a) east side (i) from its junction with New Road Hill for a distance of 9 metres in a southerly direction (ii) from a point 78 metres south-east of its junction with New Road Hill for a distance of 160 metres in a southerly direction (b) west side from its junction with Polvillion Road for a distance of 50 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) | <ul style="list-style-type: none"> (a) north-west side
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) from a point 293 metres south-west of its junction with Pikes Hill for a distance of 9 metres in a south-westerly then 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) | <ul style="list-style-type: none"> (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
from its junction with Hanson Drive to a point 140 metres north-east of its junction with Readymoney Road |

THIRD SCHEDULE

Limited Waiting 8am-8pm 30 minutes no return within 2 hours

1. Park Road
(U6143) north-west side
from a point 8 metres south-west of its junction with Tavern Barn for a distance of 25 metres in a south-westerly direction

FOURTH 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

FIFTH 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

SIXTH SCHEDULE

Disabled Parking Bay 3 hours no return within 3 hours

1. Unclassified Road Leading
To The Town Hall north side

(Unclassified) 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

SEVENTH 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 |
|----|----------------------|--|

EIGHTH SCHEDULE

Street Parking Place 2 hours no return within 2 hours daily

- | | |
|----------------------|--|
| 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 |
|----------------------|--|

NINTH 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 |
|----|---|--|

TENTH SCHEDULE

Motorcycle Parking Place 30 mins no return within 1 hour

- | | | |
|----|---|--|
| 1. | Unnamed Street Leading
To Town Hall
(U6143) | north side
from a point 2 metres east of its junction with South Street for a distance of 3 metres in an easterly direction and having a width throughout of 2 metres |
|----|---|--|