

DATED 16 SEPTEMBER 2010

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(WHALEY BRIDGE TOWN CENTRE)

**(PROHIBITION OF WAITING AND
WAITING RESTRICTIONS) ORDER 2010**

J McELVANEY

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THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

(WHALEY BRIDGE TOWN CENTRE)

(PROHIBITION OF WAITING AND WAITING RESTRICTIONS) ORDER 2010

The Derbyshire County Council in exercise of its powers under Sections 1, 2 and 4 of the Road Traffic Regulation Act 1984 ("the Act"), Part IV of Schedule 9 of the Act and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1 CITATION AND COMMENCEMENT

This Order shall come into operation on the Twenty-seventh day of September Two thousand and Ten and may be cited as "The Derbyshire County Council (Whaley Bridge Town Centre) (prohibition of Waiting and Waiting Restrictions) Order 2010".

2 INTERPRETATION

In this Order:-

2.1 "the County Council" means Derbyshire County Council.

2.2 "Carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of Vehicles, as in Section 329(1) of the Highways Act 1980.

2.3 "Pavement" means the remainder of the surfaced highway that is not constructed and used as Carriageway.

2.4 "Owner" in relation to a Vehicle, means the person by whom such Vehicle is kept and used.

2.5 "Vehicle" means any mechanically propelled Vehicle intended or adapted for use on roads.

2.6 "Public Service Vehicle" has the meaning ascribed to it by Section 1 of the Public Passenger Vehicles Act 1981, that is to say it shall mean a motor vehicle (other than a tramcar) which –

(i) being a Vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or

(ii) being a Vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business or carrying passengers.

2.7 "Pedal Cycle" means a cycle (which has the same meaning as that ascribed to it in Section 192 of The Road Traffic Act 1988).

2.8 "Disabled Person's Badge" has the same meaning as in the Disabled Persons (Exemption for Disabled Persons) (England) Regulations 2000.

2.9 "Disabled Person's Vehicle" means a Vehicle displaying Disabled Persons Badge in the relevant position as set out under Regulation 4 of the Local Authorities Orders (Exemption for Disabled Persons) (England) Regulations 2000.

2.10 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of The 2004 Act

2.11 "The 2004 Act" means the Traffic Management Act 2004.

2.12 "Electronic Communications Apparatus", "Electronic Communications Network" and any "Electronic Communications Line" shall have the same meaning as in the Communications Act 2003.

2.13 "Goods" means goods or burden of any description;

2.14 "Goods Vehicle" means a Motor Vehicle which is constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted, as in Section 192(1) of the Road Traffic Act 1988;

2.15 "Loading and Unloading" means the transference, from or to a Vehicle, to or from premises, of goods;

2.16 "Loading Bay" means a space in a Specified Parking Place which is provided for the waiting of a Vehicle for the purpose of delivering or collecting goods or Loading or Unloading the Vehicle as specified under the provisions of this Order.

3 WAITING RESTRICTIONS

3.1 Save as provided in articles 4, 5.1 and 6 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or a CEO, cause or permit any Vehicle to wait at any time on any day on the lengths of road specified in Schedule 1 to this Order.

3.2 Save as provided in articles 4, 5.2 and 6 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform, or a CEO, cause or permit any Vehicle to wait between the hours of 9am and 5pm on any day (other than a Sunday) for longer than 1 hour (no return within 2 hours) on the lengths of road specified in Schedule 2 to this Order.

3.3 Save as provided in articles 4, 5.2 and 6 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform, or a CEO, cause or permit any Vehicle to wait between the hours of 10am and 5pm on any day (other than a Sunday) for longer than 1 hour (no return within 2 hours) on the lengths of road specified in Schedule 3 to this Order

4 GENERAL EXEMPTIONS

4.1 Nothing in Article 3 shall render it unlawful to cause or permit any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable:-

- (i) a person to board or alight from the Vehicle;
 - (ii) the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations namely:-
 - (a) building, industrial or demolition operations;
 - (b) the removal of any obstruction to traffic;
 - (c) the maintenance, improvement or reconstruction of the said lengths of road; or
 - (d) the laying, erection, alteration or repair in, or on land adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Line;
 - (iii) the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - (iv) the Vehicle of a universal service provider (as defined in Section 4 of The Postal Services Act 2000) to be used for the purpose of delivering or collecting mail;
 - (v) the Vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road;
 - (vi) any Vehicle, other than a privately owned Vehicle, which is being used as an official Vehicle for the purposes of a wedding (bridal vehicle) or a funeral (hearse and cortege) at a Church or place of worship
 - (vii) the Vehicle to be used for fire brigade, ambulance or police purposes;
- or
- (viii) goods to be loaded or unloaded from the Vehicle.

5 DISABLED PERSONS' EXEMPTIONS

5.1 Nothing in Article 3.1 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 the lengths of road referred to in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length or on the same side of road on the same day).

5.2 Nothing in Articles 3.2 and 3.3 shall render it unlawful to cause or permit a Disabled Person's Vehicle which displays in the relevant position a Disabled Person's Badge to wait in the lengths of road referred to in that Article.

5.3 A vehicle displays a Disabled Person's Badge in the relevant position if:-

- (i) in the case of a Vehicle fitted with a front windscreen, the badge is exhibited thereon on the near side of and immediately behind the windscreen and with its front facing forward so as to be legible from outside the Vehicle; or
- (ii) in the case of a Vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the Vehicle.

5.4 A vehicle displays a Disabled Person's Badge in the relevant position if:-

- (i) in the case of a Vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part I of the badge is legible from outside the Vehicle; or
- (ii) in the case of a Vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the Vehicle so that Part I of the badge is legible from outside the vehicle.

5.5 A vehicle displays a parking disc in the relevant position if:-

- (i) in the case of a Vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the Vehicle; or
- (ii) in the case of a Vehicle not so fitted, the disc is exhibited in a conspicuous position on the Vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the Vehicle".

6 PUBLIC SERVICE VEHICLES

6.1 Nothing in Article 3 shall apply to a Public Service Vehicle.

7 LOADING BAY

7.1 Save as in Article 4 the area of highway specified in Schedule 4 to this Order shall be designated a Loading Bay for Goods Vehicles only for the Loading and Unloading of Goods between the hours of 7am and 10am on any day (other than a Sunday).

7.2 Nothing in this Order shall render it unlawful for a Goods Vehicle to load and unload in the Loading Bay provided that such a Vehicle is parked within the limits of the bay.

8 EFFECT OF ORDER

8.1 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restrictions or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

9 REVOCATIONS OF PREVIOUS ORDERS

9.1 "The Derbyshire County Council Derbyshire Dales and High Peak Parking, Waiting and Loading Prohibitions and Restrictions Consolidation Order 2009" is hereby revoked insofar as it relates to the restrictions and lengths of road in the schedules to this Order.

SCHEDULE 1

NO WAITING AT ANY TIME

Market Street / Buxton Road, Whaley Bridge

West side

From a point 33 metres south of its junction with Wharf Road in a southerly direction for a distance of 45 metres.

SCHEDULE 2

LIMITED WAITING MONDAY TO SATURDAY 9AM TO 5PM **1 HOUR NO RETURN WITHIN 2 HOURS**

Canal Street, Whaley Bridge

West side

From a point 5 metres north of its junction with Bridge Street in a northerly direction for a distance of 91 metres.

Market Street, Whaley Bridge

East side

From a point 66 metres south of its junction with Bridge Street in a southerly direction for a distance of 46 metres.

West side

From a point 15 metres south of its junction with Wharf Road in a southerly direction for a distance of 18 metres.

From a point 9 metres north of its junction with Wharf Road in a northerly direction for a distance of 16 metres.

Bridge Street, Whaley Bridge

South side

From a point 18 metres east of its junction with Canal Street in an easterly direction for a distance of 6 metres,

SCHEDULE 3

LIMITED WAITING MONDAY TO SATURDAY 10AM TO 5PM
1 HOUR NO RETURN WITHIN 2 HOURS

Buxton Road, Whaley Bridge

West side

From a point opposite its junction with Market Street / Old Road in a southerly direction for a distance of 20 metres.

SCHEDULE 4

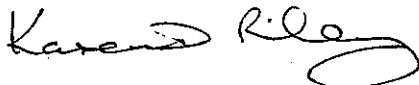
LOADING BAY
MONDAY TO SATURDAY 7AM TO 10 AM

Buxton Road, Whaley Bridge

West side

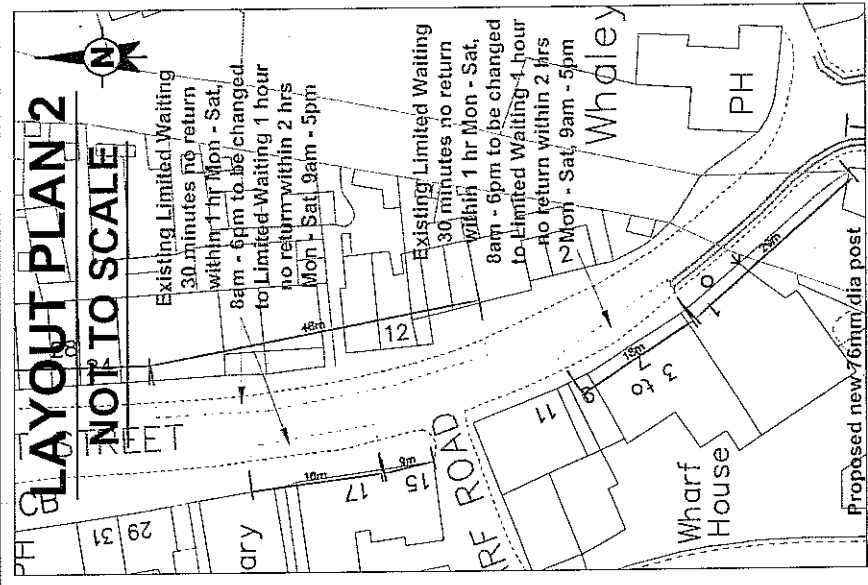
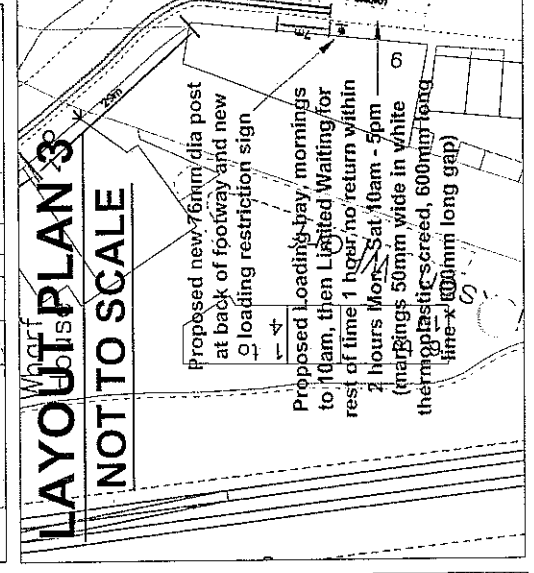
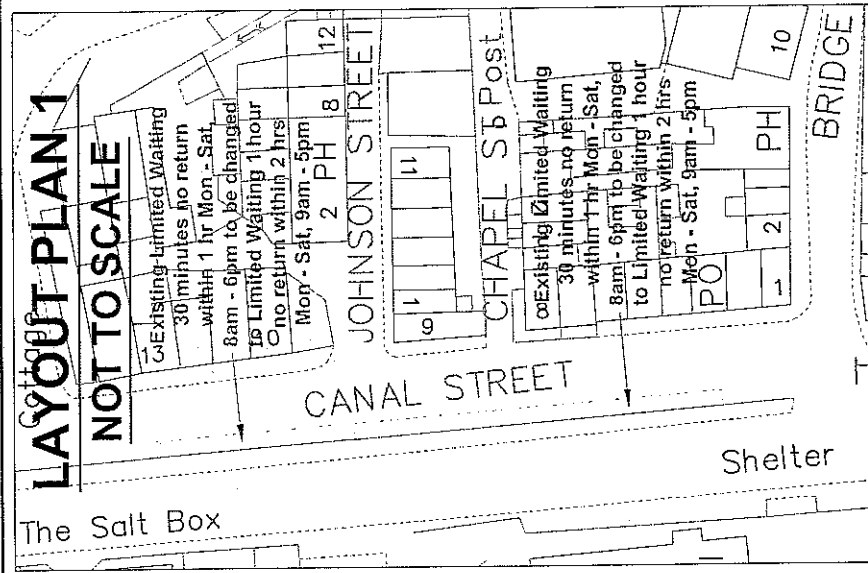
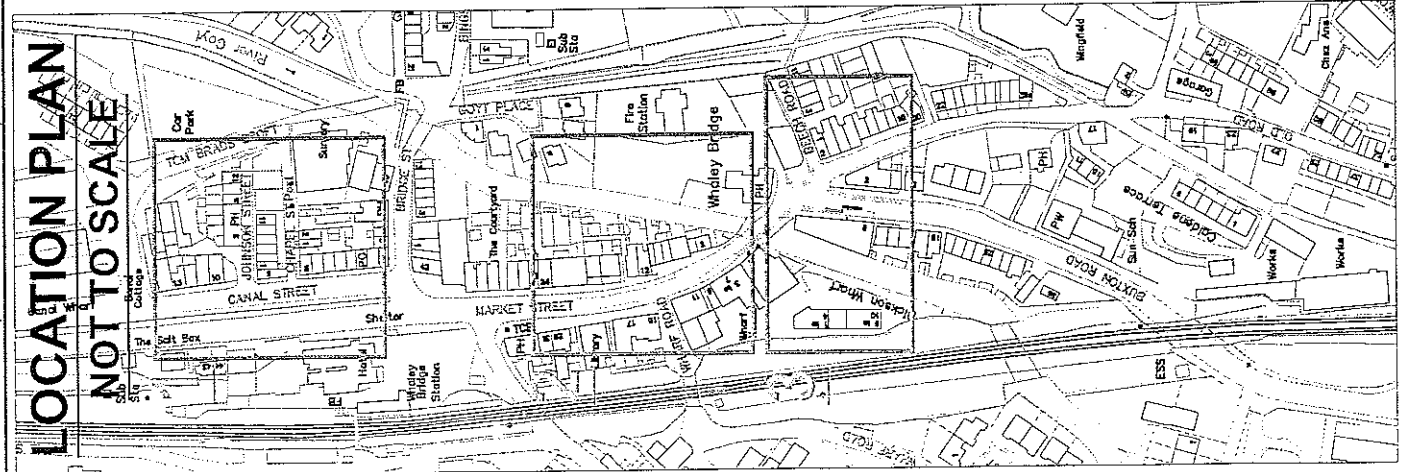
From a point opposite its junction with Market Street / Old Road in a southerly direction for a distance of 20 metres.

THE COMMON SEAL of the Derbyshire)
County Council was hereunto affixed)
the Sixteenth day of September Two)
thousand and Ten in the presence of:-)

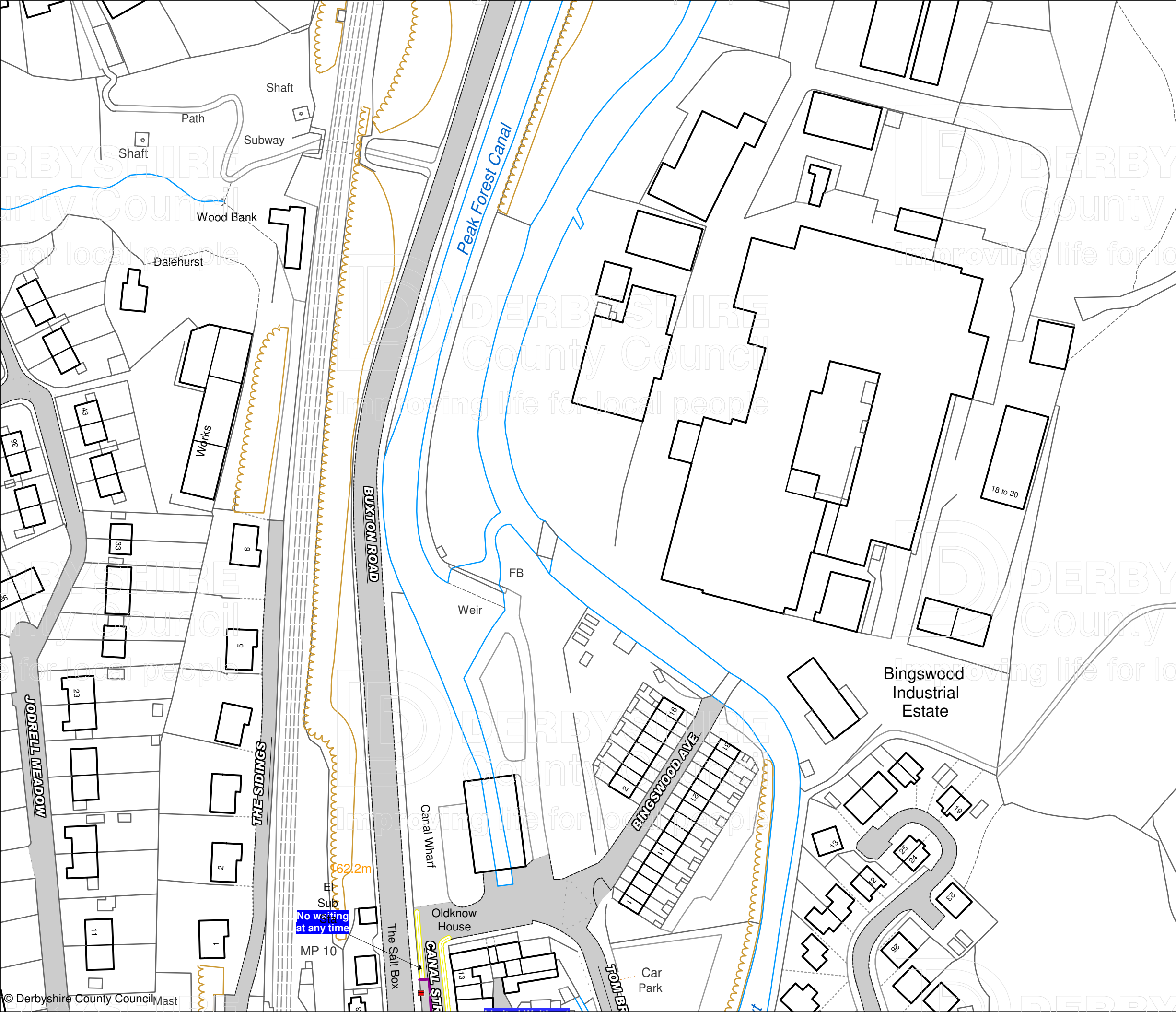


Asst. Director of Legal Services

Number in Seal
Book 2010/1936



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<p>KEY</p> <p>Existing No Waiting at any time restrictions to remain</p> <p>Existing No Waiting at any time restriction to be revoked</p> <p>Proposed Loading bay</p> <p>Proposed Limited Waiting 30 minutes no return within 1 hr Mon - Sat, 8am - 6pm to be changed to Limited Waiting 1 hour no return within 2 hours Mon - Sat, 10am - 5pm</p> <p>Existing Limited Waiting 30 minutes no return within 1 hr Mon - Sat, 8am - 6pm to be changed to Limited Waiting 1 hour no return within 2 hours Mon - Sat, 10am - 5pm</p> <p>Existing Limited Waiting 30 minutes no return within 1 hr Mon - Sat, 8am - 6pm to be changed to Limited Waiting 1 hour no return within 2 hours Mon - Sat, 10am - 5pm</p>		<p>SCALE</p>		<p>NTS</p>		
<p>DERBYSHIRE COUNTY COUNCIL</p> <p>IAN W STEPHENSON</p> <p>STRATEGIC DIRECTOR OF ENVIRONMENTAL SERVICES</p>		<p>DATE</p>		<p>4/05/10</p>		
<p>PROJECT TITLE</p>		<p>ORIGINAL DRAWING SIZE</p>		<p>210 x 298 (A4)</p>		
<p>MARKET STREET</p> <p>WHARLEY BRIDGE</p> <p>OUTSIDE CO-OP</p>		<p>DRAWING TITLE</p>		<p>PROPOSED PARKING / LOADING</p>		
<p>DRAWING No.</p>		<p>NTA/SM/96/10</p>		<p></p>		



Prohibition and Restriction of Waiting, On Street Parking and Clearways.

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DERBYSHIRE
County Council
Improving life for local people

IAN W.STEPHENSON BSc., CEng.,MICE,MIHT
Strategic Director of Environmental Services

DRAWING TITLE

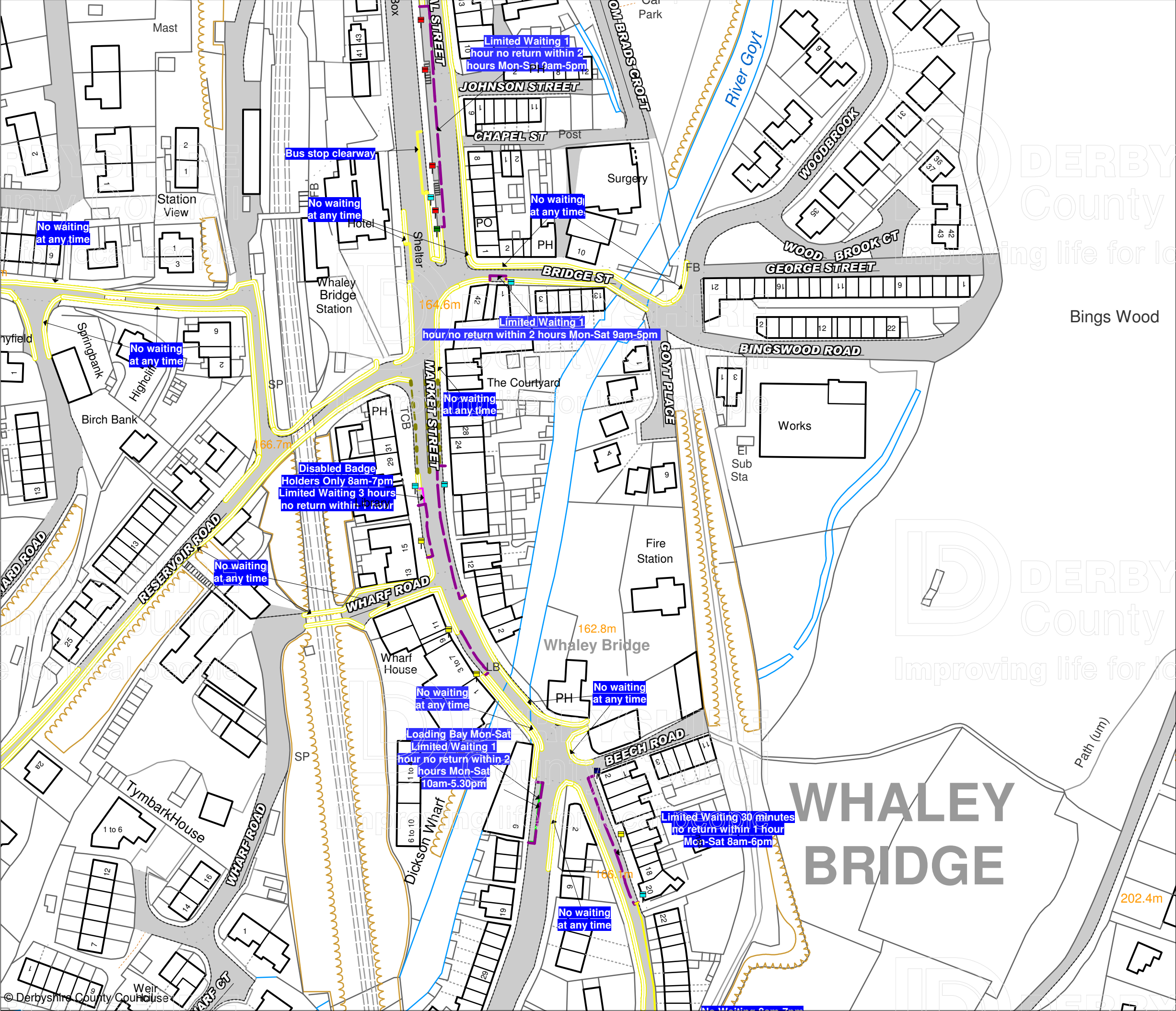
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SCALE 1 : 1250

DATE 27/09/2010

DRAWING No. 1

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Prohibition and Restriction of Waiting, On Street Parking and Clearways.

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DRAWING TITLE

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