

DATED 04 AUGUST 2011

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(ST JOHNS ROAD AND WATER STREET, BUXTON)

**(PAY AND DISPLAY AND PERMIT HOLDER ONLY
RESTRICTIONS) ORDER 2011**

J McELVANEY

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**THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984**

(ST JOHNS ROAD AND WATER STREET, BUXTON)

**(PAY AND DISPLAY AND PERMIT HOLDER ONLY RESTRICTIONS)
ORDER 2011**

The Derbyshire County Council in exercise of its powers under Sections 1, 2, 4, 45, 46, 49, 53, and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (as amended) ("the Act"), and 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

1.1 This Order shall come into operation on the Fifteenth day of August Two Thousand and Eleven and may be cited as "the Derbyshire County Council (St Johns Road and Water Street, Buxton) (Pay and Display and Permit Holders Only Restrictions) Order 2011".

2 INTERPRETATION

- 2.1 In this Order, except where the context requires, the following expressions have the meanings hereby respectively assigned to them:-
- 2.2 "the County Council" means Derbyshire County Council.
- 2.3 "District Council" means the High Peak Borough Council;
- 2.4 "Motor Vehicle" means any mechanically propelled vehicle intended or adapted for use on roads.
- 2.5 "Cycle" means a bicycle, tricycle or a cycle having four or more wheels, not being in any case a Motor Vehicle.
- 2.6 "Vehicle" for the purposes of this Order means a "Motor Vehicle" or "Cycle".
- 2.7 "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;
- 2.8 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of the 2004 Act;
- 2.9 "Controlled Zone" means an area as defined in Regulation 4 of "The 2002 Regulations", and , in this Order relates to the "Controlled Zone Bu-A" as defined in "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009" ;;
- 2.10 "Disabled Person's Badge", "Disabled Person's Vehicle", "Disabled Person", "Disabled Driver" and "Disabled Person's Parking Disc" have the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

- 2.11 "Driver" in relation to a Vehicle waiting in a Parking Place or on a road or length of road, means:-
- a) the person driving the Vehicle or responsible for the Vehicle at the time it was left in that Parking Place or road or length of road;
 - b) the registered keeper of the Vehicle shall be deemed to have been the Driver unless evidence to the contrary is shown;
 - c) where the Vehicle is a Cycle the person (being a user) riding, pushing by hand or otherwise in charge of the Cycle at the time it was left in the Parking Place;
- 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 "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 and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;
- 2.14 "Motor Car" and "Motorcycle" have the same meaning as in section 136 of the Act;
- 2.15 "Owner" in relation to a Vehicle means a Resident who is named in the Vehicle registration document as the registered keeper of a Goods or passenger Vehicle or who has the use of such a Vehicle in the course of his employment and who is entitled to use such a Vehicle as though he were the registered keeper thereof;
- 2.16 "Parking Bay" and "Parking Space" means a part of a Parking Place marked out or provided for the leaving of a Vehicle of the classes specified in this Order under the provisions of this Order;
- 2.17 "Parking Place" means a length of road or any area of land authorised to be used as a parking place by this Order;
- 2.18 "Parking Ticket" means a ticket issued under the provisions of "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009";
- 2.19 "Pay and Display Parking Place" or "Pay and Display Bay" means a space which is provided for the leaving of a motor car or motor cycle displaying a valid Ticket or Permit;
- 2.20 "Period of Stay" in relation to a Vehicle left in a Parking Place means the period beginning at the time of arrival or deemed time of arrival of that Vehicle in that Parking Place and extending until the time of its departure;
- 2.21 "Permit" means a Permit issued under the provisions of "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009";
- 2.22 "Permit Fee" means the fee payable to the District Council on application for a Permit to leave a Vehicle in a Specified User Parking Place under the provisions of "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009";
- 2.23 "Permit Holder" means a person to whom a Permit has been issued under the provisions of "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009";

- 2.24 "Permitted Hours" means the hours specified in the Schedules to this Order;
- 2.25 "Prescribed Hours" means the times specified in the Schedules to this Order;
- 2.26 "Relevant Position" in relation to: -
- (i) The display of a Disabled Person's Badge, has the same meaning as that ascribed to it in The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.
 - (ii) To a Permit means the front nearside of the Vehicle so that all the particulars are readily visible from the front nearside of the Vehicle.
 - (iii) To a Parking Ticket, in respect of a Vehicle fitted with a windscreen, means on the inside surface of the windscreen, or on the dashboard nearest the kerb, so that the date and time of issue or expiry (as appropriate) of the Parking Ticket are readily visible from the nearside of the Vehicle.
 - (iv) To a Parking Ticket, in respect of a Vehicle not fitted with a windscreen, means displaying the Parking Ticket on the Vehicle so that the date and time of issue or expiry (as appropriate) of the Parking Ticket is readily visible from the front nearside of the Vehicle;
- 2.27 "Resident" means a person whose usual place of abode, or Accessway, is situated in a road or part of a road in the Controlled Zone Bu-A as defined in "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009" ;
- 2.28 "Specified Position" means, in respect of a Vehicle left in a Parking Place during the Permitted Hours, in accordance with the foregoing provisions of "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009", that it shall be caused so to stand:-
- a) in accordance with any special provisions as to the manner of standing of a Vehicle in that place which are specified in "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009"
 - b) in the case of any other Parking Place, if the Parking Place is not in a one-way street, that the left or near-side of the Vehicle is adjacent to the left-hand edge of the Carriageway;
 - c) so that every part of a Vehicle is within the limits of a Parking Place;
 - d) that no part of the Vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the Vehicle is waiting;
- 2.29 "The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002 SI 2002/3113;
- 2.30 "Traffic Sign" means a sign of any size, colour and type prescribed or authorised or having the effect pursuant to Section 64 of the Act;
- 2.31 "The 2004 Act" means the Traffic Management Act 2004;
- 2.32 Where a Vehicle, having been left in a Parking Place, remains there at the beginning of the Prescribed Hours, then the Vehicle shall be treated for the purposes of this Order as if it had arrived in the Parking Place at the beginning of the Prescribed Hours;
- 2.33 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order;
- 2.34 The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act, or by or under any other enactment;

- 2.35 Save where the contrary is indicated, any reference in this Order to:-
- a) this Order or another Order shall be construed as such a reference to this Order or, as the case may be, such other Order, as the same may have been or may from time to time be amended, varied or supplemented;
 - b) a Statute or Regulation shall be construed as reference to such Statute or Regulations as the same may have been, or may from time to time be amended or re-enacted;
- 2.36 The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and or other Statutory Instruments;
- 2.37 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment and any reference in this Order to a masculine gender shall include reference to the feminine gender and any reference in this Order to a singular includes the plural.

3 PAY AND DISPLAY PARKING PLACES (MOTOR CARS AND MOTOR CYCLES)

- 3.1 The area of highway specified in Schedule 1 to this Order as a Pay and Display Parking Bay, shall be designated Pay and Display Parking Places for Motor Cars and Motorcycles, during the times specified.
- 3.2. Nothing in this Order shall render it unlawful for a Motor Car or Motorcycle displaying a valid ticket in accordance with "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009" to wait in a Pay and Display Parking Place for Motor Cars and Motorcycles, provided that such a Vehicle is parked in the manner specified in "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009" and unless the Vehicle is displaying a valid Permit applicable to the Parking Place, during the time periods specified and providing that the Vehicle is parked in the manner specified in "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009".

4 PERMIT HOLDERS PARKING PLACES

- 4.1 The area of highway specified in Schedule 2 of this Order as a Permit Holders Parking Bay, shall be designated a Parking Place for Vehicles displaying a valid permit, during the times specified.
- 4.2. Nothing in this Order shall prevent any Vehicle parked in a Permit Holders Parking Place, on the roads or sides of the roads identified and for the periods specified in Schedule 2 of this Order, displaying a valid Permit in the manner specified in "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009", from waiting in a Permit Holders Parking Place.
- 4.3. Nothing in this Order shall prevent any Vehicle parked in a Permit Holders Parking Bay, in the manner specified in "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009", from waiting in a Permit Holders Parking Place.

5 GENERAL EXEMPTIONS TO PARKING PLACES

- 5.1 The general exemptions are specified in The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009"

6 SCALE OF CHARGES

- 6.1 The scale of charges is specified in The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009".
- 6.2 Any changes to the charges will be implemented in accordance with the procedure specified in the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996 as amended.

7 REVOCATIONS

- 7.1 "The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) High Peak Consolidation Order 2009" is hereby revoked insofar as it relates to the lengths of road specified in the Schedules to this Order.

8 MISCELLANEOUS

- 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 or by or under any other enactment.

SCHEDULE 1

PAY AND DISPLAY BAY 8.00AM – 6.00PM, MAXIMUM STAY 4 HOURS
NO RETURN WITHIN 1 HOUR (EXCEPT FOR PERMIT HOLDERS)

St Johns Road, Buxton

South side

From a point 42 metres north east of its western end junction with Water Street in an easterly direction for a distance of 53 metres.

SCHEDULE 2

PERMIT HOLDERS' ONLY BAYS 8.00AM – 8.00PM

Water Street, Buxton

South west side

From a point 15 metres south west of its eastern end junction with St Johns Road in a south westerly direction for a distance of 47 metres.

As shown for illustration purposes only on the attached plan.

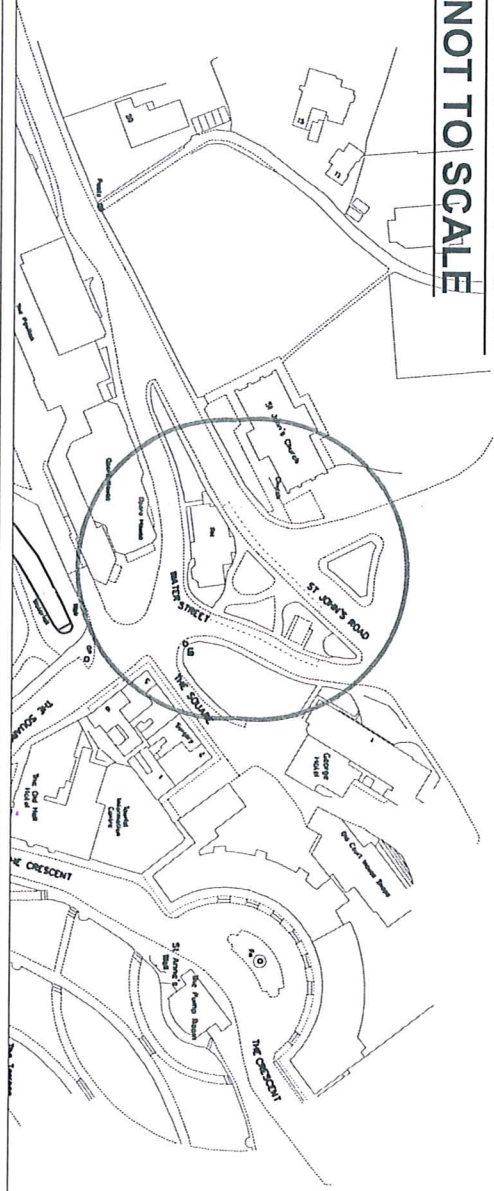
THE COMMON SEAL of the Derbyshire)
County Council was hereunto affixed)
the Fourth day of August Two Thousand)
and Eleven in the presence of:-)



Number in Seal  Director of Legal Services

LOCATION PLAN

NOT TO SCALE



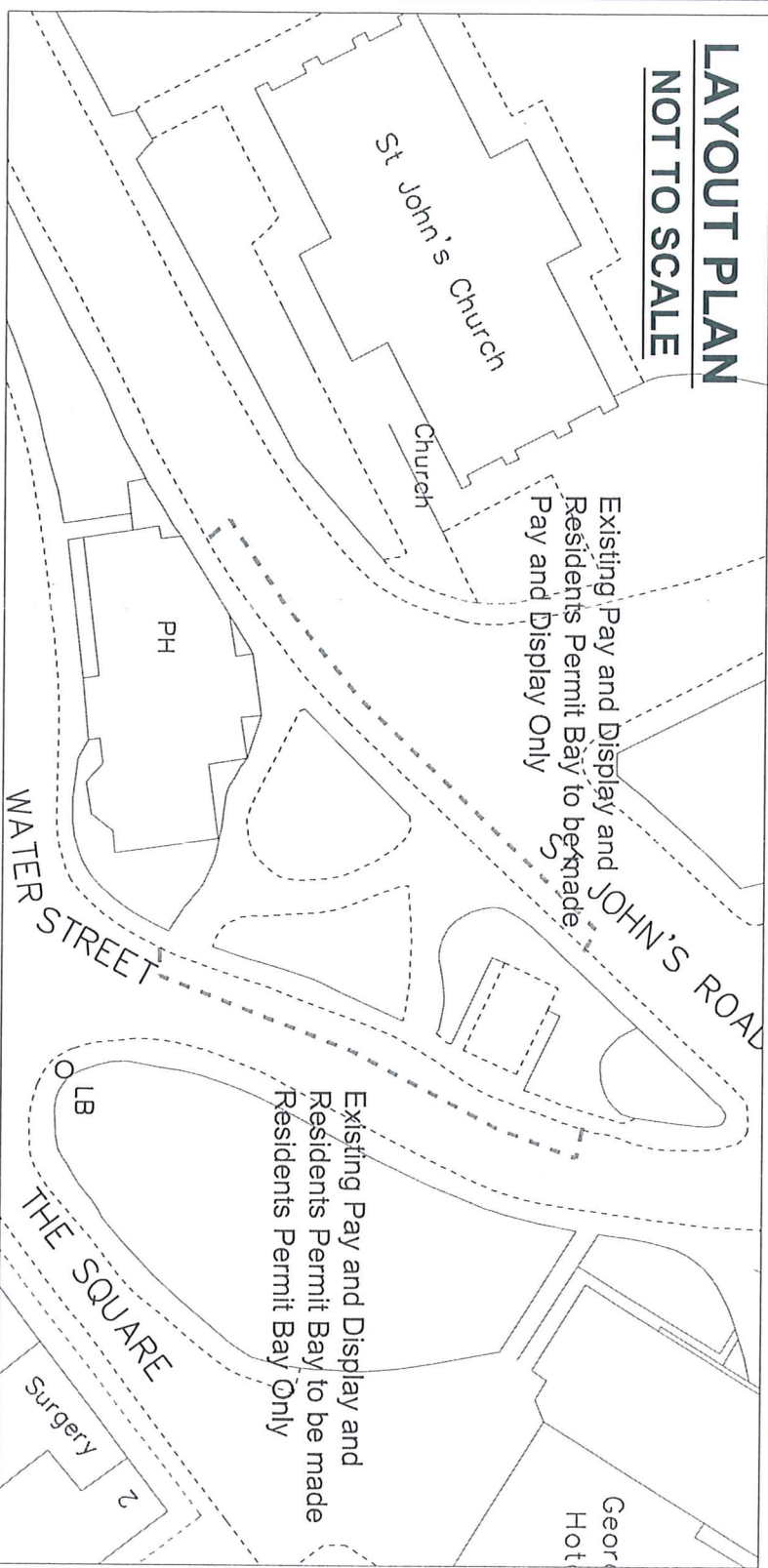
KEY

LAYOUT PLAN

NOT TO SCALE

Existing Pay and Display and Residents Permit Bay to be made Pay and Display Only

Existing Pay and Display and Residents Permit Bay to be made Residents Permit Bay Only

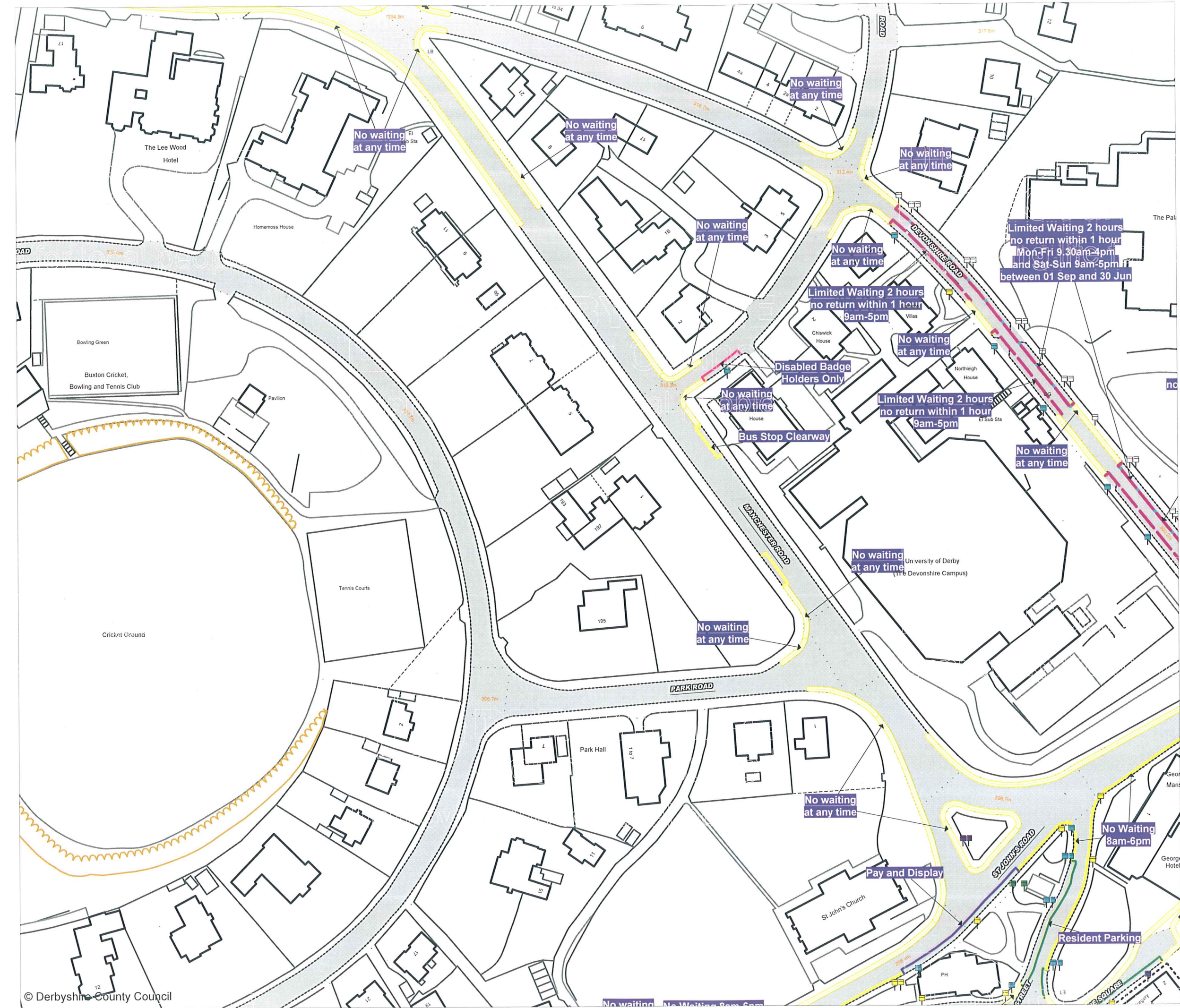


AMENDMENT DETAILS		By	Date	No.
Drawn by	IM			
Date	25/05/11			
Scale	NTS			
ORIGINAL DRAWING SIZE 210 x 298 (A4)				

DERBYSHIRE
COUNTY COUNCIL
IAN W STEPHENSON
Strategic Director of Environmental Services
85c DEPT WILKIE MOUNT

PROJECT TITLE
St Johns and Water St
BUXTON

DRAWING TITLE
PROPOSED
AMENDMENTS TO
EXISTING RESTRICTIONS
DRAWING NO.
NTA/IM/101/11



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

Tile Ref: CL20

SCALE	1 : 1250
DATE	05/08/2011
DRAWING No.	1
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