

DATED 11th March 2021

DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**(FOLJAMBE ROAD, HEYWOOD STREET,
GROVE FARM CLOSE, TOTLEY MOUNT,
GREGORY CLOSE, SELMER COURT,
SPRINGVALE ROAD AND SUMMERFIELD
CRESCENT, BRIMINGTON)**

(WAITING RESTRICTIONS) ORDER 2020

HELEN BARRINGTON

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DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(FOLJAMBE ROAD, HEYWOOD STREET,
GROVE FARM CLOSE, TOTLEY MOUNT,
GREGORY CLOSE, SELMER COURT,
SPRINGVALE ROAD AND SUMMERFIELD
CRESCENT, BRIMINGTON)

(WAITING RESTRICTIONS) ORDER 2020

The Derbyshire County Council in exercise of its powers under Sections 1, 2, 4, 32, 35, 35A and Part III and IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), The Local Authorities' Traffic Orders (Procedure) England and Wales) Regulations 1996 and all other enabling powers hereby makes the Following Order:-

1 CITATION AND COMMENCEMENT

This Order shall come into operation on the Twenty Second day of March Two Thousand and Twenty-one and may be cited as "The Derbyshire County Council Road Traffic Regulation Act 1984 (Foljambe Road, Heywood Street, Grove Farm Close, Totley Mount, Gregory Close, Selmer Court, Springvale Road and Summerfield Crescent, Brimington) (Waiting Restrictions) Order 2020".

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;

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

"Delivering and Collecting" in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;

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

"Disabled Person's Vehicle" means a Vehicle displaying A 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.

"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 pedal cycle, the person (being a user) riding, pushing by hand or otherwise in charge of the Pedal Cycle at the time it was left in the Parking Place;

8 "Dual Purpose Vehicle" has the same meaning as defined in Part 1 Regulation 3 (2) of the Road Vehicles (Construction and Use) Regulations 1986;

9 Electronic Communications Apparatus, Electronic Communications Network and any Electronic Communications Line shall have the same meaning as in the Communications Act 2003;

10 "Footway" means a way comprised in a road which also comprises a carriageway being a way over which the public have right of way on foot only as defined in section 329 (1) Highways Act 1980. Footways are pedestrian paths alongside a Carriageway, and often referred to as a Pavement;

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

12 "Goods Vehicles" 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;

13 "Junction" means, for measurement purposes only, the point where the prolongation of two kerb lines intersect with measurements taken along the line of the kerb for the said length of road otherwise stated;

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

15 "Loading Bay" means, a bay marked in accordance with the Two Thousand and Sixteen Regulations, 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 the order;

2.16 "Motor Vehicle" and "Motorcycle" have the same meaning as in section 136 of the Act;

2.17 "Owner" in relation to a Vehicle, means the person 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 Vehicle in the course of his employment and who is entitled to use such a Vehicle as though he were the registered keeper thereof;

2.18 "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;

2.19 "Parking Place" means a length of road or any area of land authorised to be used as a parking place by this Order, under the provisions defined in Schedule 2 to this Order, and indicated by signs and markings prescribed in the Traffic Signs and General Directions 2016;

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 "Permitted Hours" means the hours specified in Schedule 2 and 3 attached to this order;

2.22 "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 of carrying passengers.

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

2.24 "Penalty Charge" and "Discounted Level for a Penalty Charge" means a charge set by the Council under Section 77 and Schedule 9 of the 2004 Act in accordance with the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI 2007 No,3487)

2.25 "Penalty Charge Notice (PCN)" means a notice issued or served by CEO in accordance with Regulation 8, 9 or 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007 No. 3483);

2.26 "Relevant Position" in respect of: -

a) a Disabled Person's Badge or a Permit or a Parking Ticket, means:

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- (i) in the case of a Vehicle fitted with a front windscreen, that the Disabled Person's Badge or Permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen; or
- (ii) in the case of a Vehicle not fitted with a front windscreen, that the Disabled Person's Badge or Permit is exhibited on the front or nearside of the vehicle;
- 7 "Specified Position" means, in respect of a Vehicle left in a Parking Place during the Permitted Hours in accordance with the foregoing provisions of this Order, 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 schedule attached to this Order,
- 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.
- 28 The Interpretation Act 1978 shall apply to its interpretation as it applies to Acts of Parliament.
- 29 Any reference to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- 30 Any reference in this Order to the masculine gender shall include the female gender and vice versa and any reference to a singular includes the plural and vice versa.
- 31 "The 2004 Act" means the Traffic Management Act 2004.
- 32 "The 2016 Regulations" means the Traffic Signs Regulations and General Directions 2016.
- 33 "Vehicle" for the purposes of this Order means a "Motor Vehicle" or "Pedal Cycle".
- 34 "Verge" means any part of a highway which is not a Carriageway, Footway or Pavement but includes a way over which the public have a right of way on Pedal Cycles with or without a right of way on foot.

WAITING RESTRICTIONS

- 3.1 Save as provided in articles 5, 6, and 7 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 5, 6, and 7 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 6pm on Monday to Friday only (for longer than 30 minutes (no return within 1 hours)) on the lengths of road specified in Schedule 2 to this Order.

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4 SCHOOL KEEP CLEAR RESTRICTIONS

- 4.1 Save as provide in Article 4.2 of the Order, no Vehicle shall stop or wait on the School Keep Clear restriction markings between the hours of 8am and 4pm (Monday to Friday Only) on the length of road specified in Schedule 3 to this Order.

- 4.2 Nothing in Article 4 shall render it unlawful to cause or permit any Vehicle to stop or wait:

- (a) if the person in control of the Vehicle is:
 - i) required by law to stop or not to proceed;
 - ii) obliged to stop so as to avoid an accident;
 - iii) prevented from proceeding by circumstances beyond the person's control;
- (b) for so long as may be necessary to enable the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used:
 - i) in connection with any building operation or demolition;
 - ii) in connection with the removal of any obstruction to traffic;
 - iii) opening or closing a gate or other barrier at the entrance to premises to which the Vehicle is being driven from or from which it has emerged if it is not reasonably practicable to cause the Vehicle to stop elsewhere for the purpose;
 - iv) using the Vehicle for fire brigade, ambulance or police purposes;
 - v) using the Vehicle in connection with the maintenance, improvement or reconstruction of the highway comprising or including the Carriageway;
 - vi) using the Vehicle in the service of a local authority or of a water company in pursuance of statutory duties or powers.
 - vii) in connection with the laying, erection, alteration or repair in or near such 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;
- (c) at the edge of the carriageway for as long as may be necessary for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000.

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GENERAL EXEMPTIONS

Nothing in Article 3.1 & 3.2 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:-

- (a) a person to board or alight from the Vehicle;
- (b) 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:-
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of road; or
 - (iv) 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;
- (c) 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;
- (d) 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;
- (e) the Vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said lengths of road;
- (f) 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
- (g) the Vehicle to be used for fire brigade, ambulance or police purposes; or
- (h) Goods to be Loaded or Unloaded from the Vehicle.

DISABLED PERSONS' EXEMPTIONS

- 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).
- 2 Nothing in Article 3.2 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 those Articles.
- 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.

6.4 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.

6.5 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".

7 PUBLIC SERVICE VEHICLES

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

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 Any permanent Traffic Regulation Orders made prior to this Order, insofar as they relate to parking, loading and waiting restrictions on the length of road listed in the Schedules to this order are hereby revoked.

SCHEDULE 1

NO WAITING AT ANY TIME

Foljambe Road

West Side

From a point 82 metres east of its junction with Coronation Road in an easterly then northerly then westerly direction for a distance of 23 metres.

Grove Farm Close

West Side

From the junction with Hall Road in a southerly direction for a distance of 18 metres.

East Side

From the junction with Hall Road in a southerly direction for a distance of 16 metres.

Heywood Street

South Side

From a point 18m west of its junction with High Street in a westerly direction including the turning area for a distance of 20 metres.

Totley Mount

West Side

From the junction with Gregory Close in a southerly direction for a distance of 9.5 metres.

Selmer Court

Both Sides

From the junction with Totley Mount in an easterly direction for a distance of 10 metres.

Gregory Close

North Side

From the junction with Springvale Road in a westerly direction for a distance of 6 metres.

South Side

From the junction with Totley Mount in a westerly direction for a distance of 5.5 metres.

Springvale Road

North Side

From the junction with Gregory Close in a north easterly direction for a distance of 4.1 metres.

South Side

From its junction with Summerfield Crescent in an easterly direction for a distance of 10 metres

Summerfield Crescent

East Side

From the junction with Springvale Road in a southerly direction for a distance of 10 metres.

SCHEDULE 2

LIMITED WAITING 30 MINUTES NO RETURN WITHIN 1 HOUR
MONDAY – FRIDAY 10AM – 6PM

Heywood Street

South Side

From a point 52 metres west of its junction with High Street in a westerly direction for a distance of 13 metres.

SCHEDULE 3

NO STOPPING ON SCHOOL ENTRANCE MARKINGS MONDAY – FRIDAY 8AM
– 4PM

Springvale Road

North Side

From a point 51.4 metres west of its centre line with Summerfield Crescent in a westerly direction for a distance of 32 metres.

Gregory Close

ance of North Side
From a point 6 metres west of its junction with Springvale Road in a westerly
direction for a distance of 36 metres.
South Side
istance of From a point 5.5 metres west of its junction with Totley Mount in a westerly direction
for a distance of 36 metres.

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COMMON SEAL of the Derbyshire
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MP. Andrew Hain
Director of Legal Services

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KEEP CLEAR



MIKE ASHWORTH
Strategic Director
Economy, Transport and Environment



FM641223 / FM641224

AMENDMENT DETAILS

BY CHD/APD DATE NO.

PROJECT TITLE

Foljambe Road, Birmington

DRAWING TITLE

TRO NWAAT DYL

DRAWN

A. HARTLEY

Date

23/07/2020

CHECKED

B. GOULD

Date

23/07/2020

APPROVED

B. GOULD

Date

23/07/2020

Project/Confirm Reference No.

PROJECT/CONFIRM_REF

SCALE

NTS

Drawing Number

HMT/AH/284/20

ORIGINAL DRAWING REF: 284/20 (A)

KEY:-

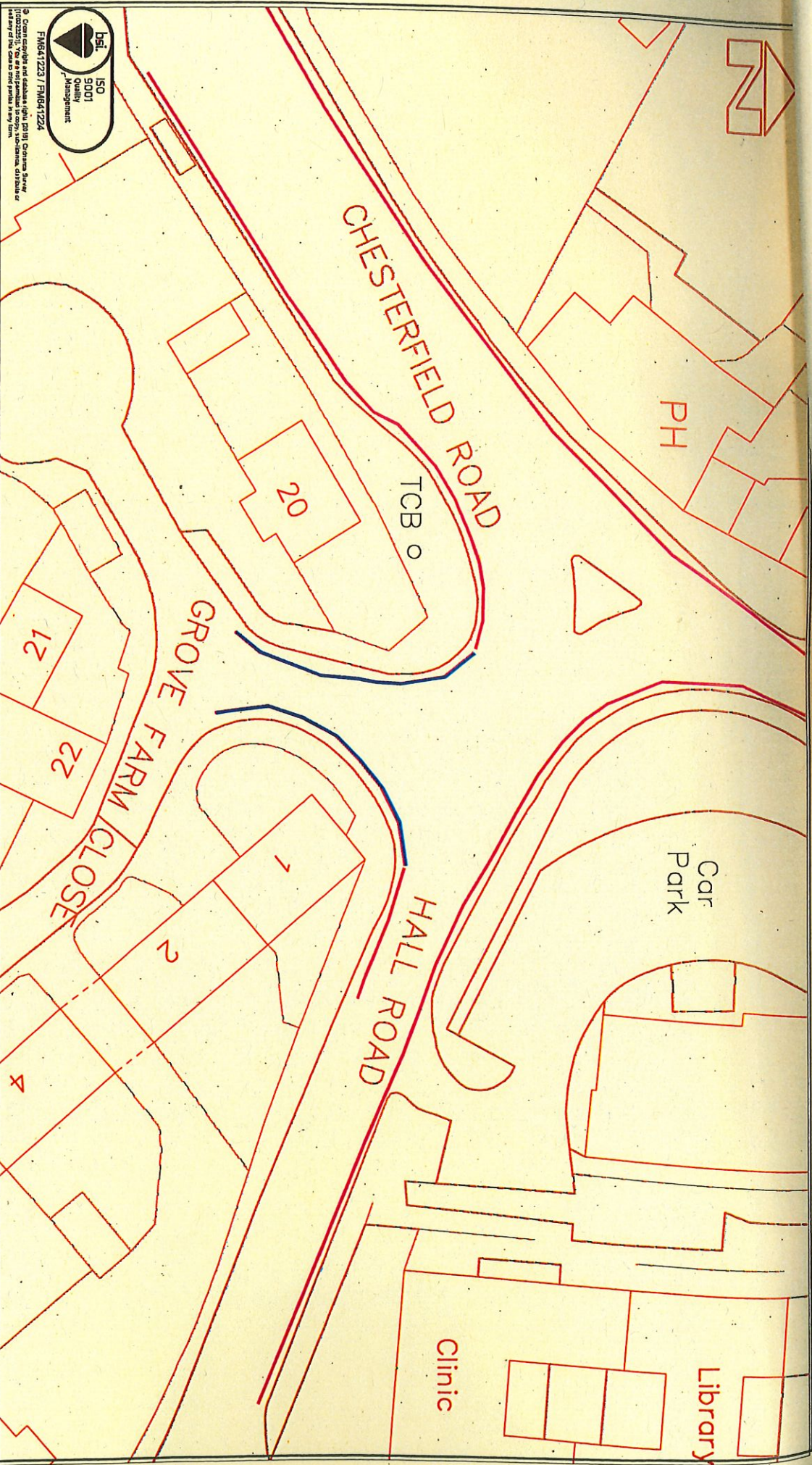
Proposed double yellow lines

Existing double yellow lines

PROJECT TITLE
GROVE FARM CLOSE, BRIMINGTON

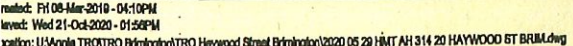
DRAWING TITLE
TRO - DOUBLE YELLOW LINES AT THE JUNCTION

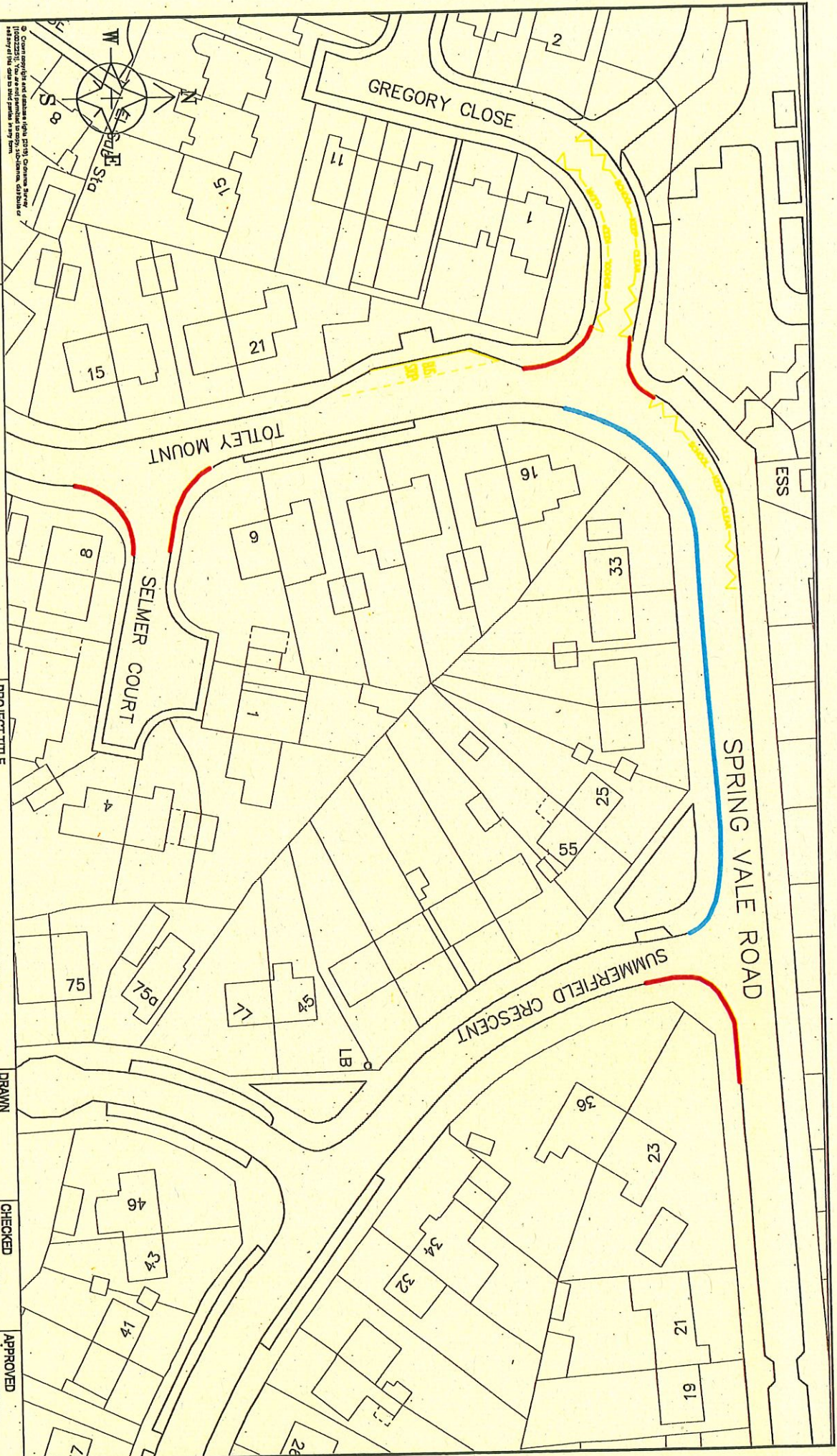
DRAWN	CHECKED	APPROVED
A. HARTLEY	B. GOULD	B. GOULD
Date 29/05/2020	Date 29/05/2020	Date 29/05/2020
Project / Confirm Reference No.	PROJECT/CONFIRM_REF	
Drawing Number	HMT/AH/315/20	
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- PROPOSED DOUBLE YELLOW LINES
- EXISTING DOUBLE YELLOW LINES
- EXISTING SCHOOL ZIG-ZAG MARKINGS TO HAVE ORDER APPLIED, NO STOPPING ON SCHOOL

PROJECT TITLE		DRAWING TITLE	
TOTLEY MOUNT, GREGORY CLOSE AND SPRING VALE ROAD, BRIMINGTON		PROPOSED WAITING	
DRAWN	CHECKED	PROJECT/CONFIRM_REF	SCALE
J. HARRISON	B. GOULD		N.T.S.
Date 11/08/2020	Date 11/08/2020		
	Date 12/08/2020		