

**DATED 13<sup>th</sup> APRIL 2023**

**DERBYSHIRE COUNTY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**

**(PARK ROAD, SHAKESPEARE STREET,  
MASEFIELD AVENUE, A6175 HEATH ROAD AND  
HARDWICK VIEW ROAD, HOLMEWOOD – SLACK  
LANE AND HEATHER AVENUE, HEATH)**

**(WAITING RESTRICTIONS) ORDER 2023**

**HELEN BARRINGTON**

**MATLOCK**

**Z3336**

# **DERBYSHIRE COUNTY COUNCIL**

## **ROAD TRAFFIC REGULATION ACT 1984**

### **(PARK ROAD, SHAKESPEARE STREET, MASEFIELD AVENUE, A6175 HEATH ROAD AND HARDWICK VIEW ROAD, HOLMEWOOD – SLACK LANE AND HEATHER AVENUE, HEATH)**

## **(WAITING RESTRICTIONS) ORDER 2023**

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-fourth of April, Two Thousand and Twenty Three and may be cited as "The Derbyshire County Council Road Traffic Regulation Act 1984 (Park Road, Shakespeare Street, Masefield Avenue, A6175 Heath Road and Hardwick View Road, Holmewood – Slack Lane and Heather Avenue, Heath. (Waiting Restrictions Order) 2023.

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

- 2.4 "Delivering and Collecting" in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;
- 2.5 "Disabled Person's Badge" has the same meaning as in the Disabled Persons (Exemption for Disabled Persons) (England) Regulations 2000;
- 2.6 "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.
- 2.7 "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;
- 2.8 "Dual Purpose Vehicle" has the same meaning as defined in Part 1 Regulation 3 (2) of the Road Vehicles (Construction and Use) Regulations 1986;
- 2.9 Electronic Communications Apparatus, Electronic Communications Network and any Electronic Communications Line shall have the same meaning as in the Communications Act 2003;
- 2.10 "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;
- 2.11 "Goods" means goods or burden of any description;
- 2.12 "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;
- 2.13 "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;
- 2.14 "Loading and Unloading" means the transference, from or to a Vehicle, to or from premises, of Goods;
- 2.15 "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 "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.
- 2.19 "Pedal Cycle" means a cycle (which has the same meaning as that ascribed to it in Section 192 of The Road Traffic Act 1988).
- 2.20 "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 Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
- 2.21 "PCN" means a Penalty Charge Notice issued or served by a civil enforcement officer pursuant to the provisions of Part 2 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;  
'Discounted Level for a Penalty Charge' has the same meaning as in The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022  
"penalty charge" has the same meaning as in The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;
- 2.22 "Relevant Position" in respect of: -
- a) a Disabled Person's Badge or a Permit or a Parking Ticket, means:
    - (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;
- 2.23 The Interpretation Act 1978 shall apply to its interpretation as it applies to Acts of Parliament.
- 2.24 Any reference to any enactment shall be construed as a reference to that enactment

as amended by any subsequent enactment.

2.25 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.

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

2.27 "The 2016 Regulations" means the Traffic Signs Regulations and General Directions 2016.

2.28 "Vehicle" for the purposes of this Order means a "Motor Vehicle" or "Pedal Cycle".

2.29 "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.

### **3 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.

### **4 SCHOOL KEEP CLEAR RESTRICTIONS**

4.1 Save as provide in Article 4.3 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 2 to this Order.

4.2 Nothing in Article 6 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.
- (d) with the permission or at the direction of a Police Constable in uniform or a CEO.

## **5 GENERAL EXEMPTIONS**

- 5.1 Nothing in Article 3.1 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.

## **6 DISABLED PERSONS' EXEMPTIONS**

- 6.1 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).

6.2 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.

6.3 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.

6.4 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.

9.2 The Derbyshire County Council Consolidation Order 2016, insofar as it relates to the length of roads listed in Schedules to this order are hereby revoked.

## **SCHEDULE 1**

### **NO WAITING AT ANY TIME**

#### **Park Road, Holmewood**

##### **South Side**

From the junction with B6039 Chesterfield Road in a North Easterly direction for a distance of 44 metres.

From a point 116 metres North East of its junction with B6039 Chesterfield Road in an Easterly direction for a distance of 107 metres.

##### **North Side**

From a point 139 metres North East of its junction with B6039 Chesterfield Road in an Easterly direction for a distance of 84 metres.

#### **Shakespeare Street, Holmewood**

##### **Both Sides**

From its junction with B6039 Chesterfield Road in a North Easterly direction for a distance of 14 metres.

#### **Masefield Avenue, Holmewood**

##### **Both Sides**

From its junction with B6039 Chesterfield Road in a North Easterly direction for a distance of 13 metres.

#### **A6175 Heath Road, Holmewood**

##### **North West Side**

From a point 47 metres South West of its junction with Queensway to a point 15 metres North East of its junction with Queensway.

From a point 65 metres South West of its junction with Hunloke Road to a point 21 metres North East of this junction.

From a point 33 metres North East of its junction with Hunloke Road in a North Easterly direction for a distance of 7 metres.

From a point 66 metres North East of its junction with Hunloke Road in a North Easterly direction for a distance of 7 metres.

From a point 80 metres North East of its junction with Hunloke Road in a North Easterly direction for a distance of 7 metres.



### **Hunloke Road, Holmewood**

#### **Both Sides**

From its junction with the A6175 Heath Road in a North Westerly direction for a distance of 15 metres.

### **Queensway, Holmewood**

#### **South West Side**

From its junction with the A6175 Heath Road in a North Westerly direction for a distance of 17 metres.

#### **North East Side**

From its junction with the A6175 Heath Road in a North Westerly direction for a distance of 18 metres.

### **Hardwick View Road, Holmewood**

#### **North East Side**

From a point 79 metres North West of its junctions with Stainsby Close to a point 10 metres South East of its junction with Stainsby Close.

#### **North West Side**

From a point 10 metres South East of its junction with Stainsby Close in a North Easterly direction for a distance of 123 metres.

### **Stainsby Close, Holmewood**

#### **South East Side**

From its junction with Hardwick View Road in a North Easterly direction for a distance of 80 metres, and then around the roundabout in an anti-clockwise direction to a point 80 metres South East of its junction with Hardwick View Drive.

#### **North West Side**

From its junction with Hardwick View road in a North Easterly direction for a distance of 15 metres.

### **Heather Avenue, Heath**

#### **Both Sides**

From its junction with School Close in a Northerly direction for a distance of 15 metres.

### **School Close, Heath**

#### **North Side**

From a point 27 metres West of its junction with Heather Avenue to a point 26 metres East of this junction.

### **A6175 Heath Road, Heath**

#### **North East Side**

From its junction with Slack Lane in an Easterly then Northerly direction of 25 metres.

**Slack Lane, Heath**

**Both Sides**

From its junction with the A6175 in a Northerly direction for a distance for a distance of 30 metres.

**West Side**

From a point 113 metres North of its junction with the A6175 in a Northerly direction for a distance of 16 metres.

**SCHEDULE 2**

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

**Slack Lane, Heath**

**West Side**

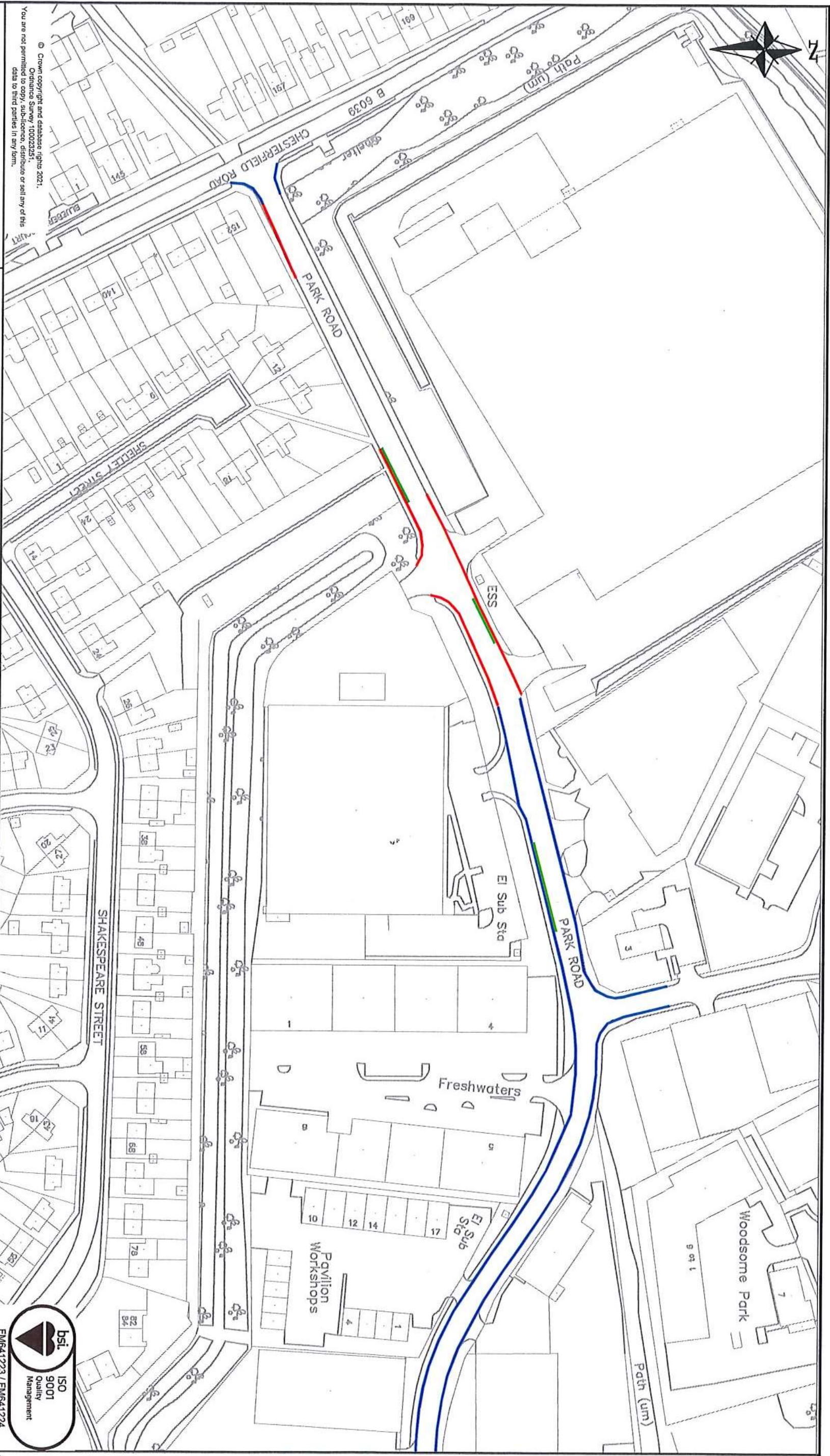
From a point 70 metres North of its junction with the A6175 for a distance of 43 metres.

THE COMMON SEAL of the Derbyshire )  
County Council was hereunto affixed )  
the Thirteenth day of April Two )  
Thousand and Twenty Three in the presence of:- )

  
Director of Legal Services

Number in Seal  
Book 2023/460





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**CHRIS HENNING**  
Executive Director  
Place

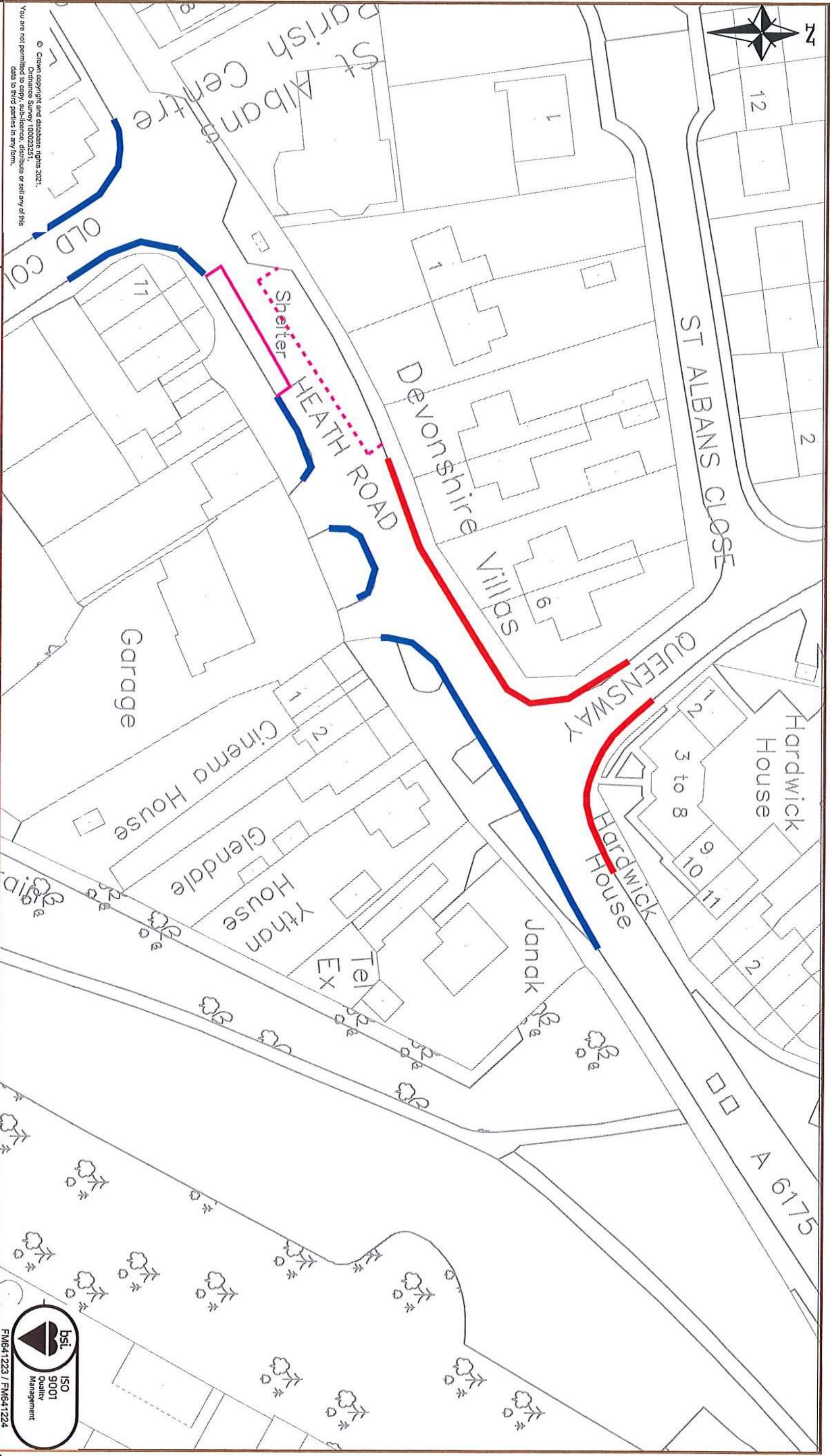
- KEY:-**
- Proposed Double Yellow Lines
  - Existing Double Yellow Lines
  - Bus stop

PROJECT TITLE		
Heath & Holmewood TRO Park Road		
DRAWING TITLE		
Consultation layout		
DRAWN		CHECKED
AH		AH
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Project / Confirm Reference No.		DATE
PROJECT/CONFIRM_REF		02/12/2022
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**CHRIS HENNING**  
Executive Director  
Place

KEY:-

- Proposed Double Yellow Lines
- Existing Double Yellow Lines
- Existing Parking bay
- Advisory Parking bay

PROJECT TITLE

Heath & Holmewood TRO  
Heath Road

DRAWING TITLE

Consultation layout

DRAWN

AH

CHECKED

AH

APPROVED

BG

Date

12/09/2022

Date

12/09/2022

Date

12/09/2022

Project / Confirm Reference No. PROJECT/CONFIRM\_REF

SCALE

Drawing Number

HMT/AH/430/22

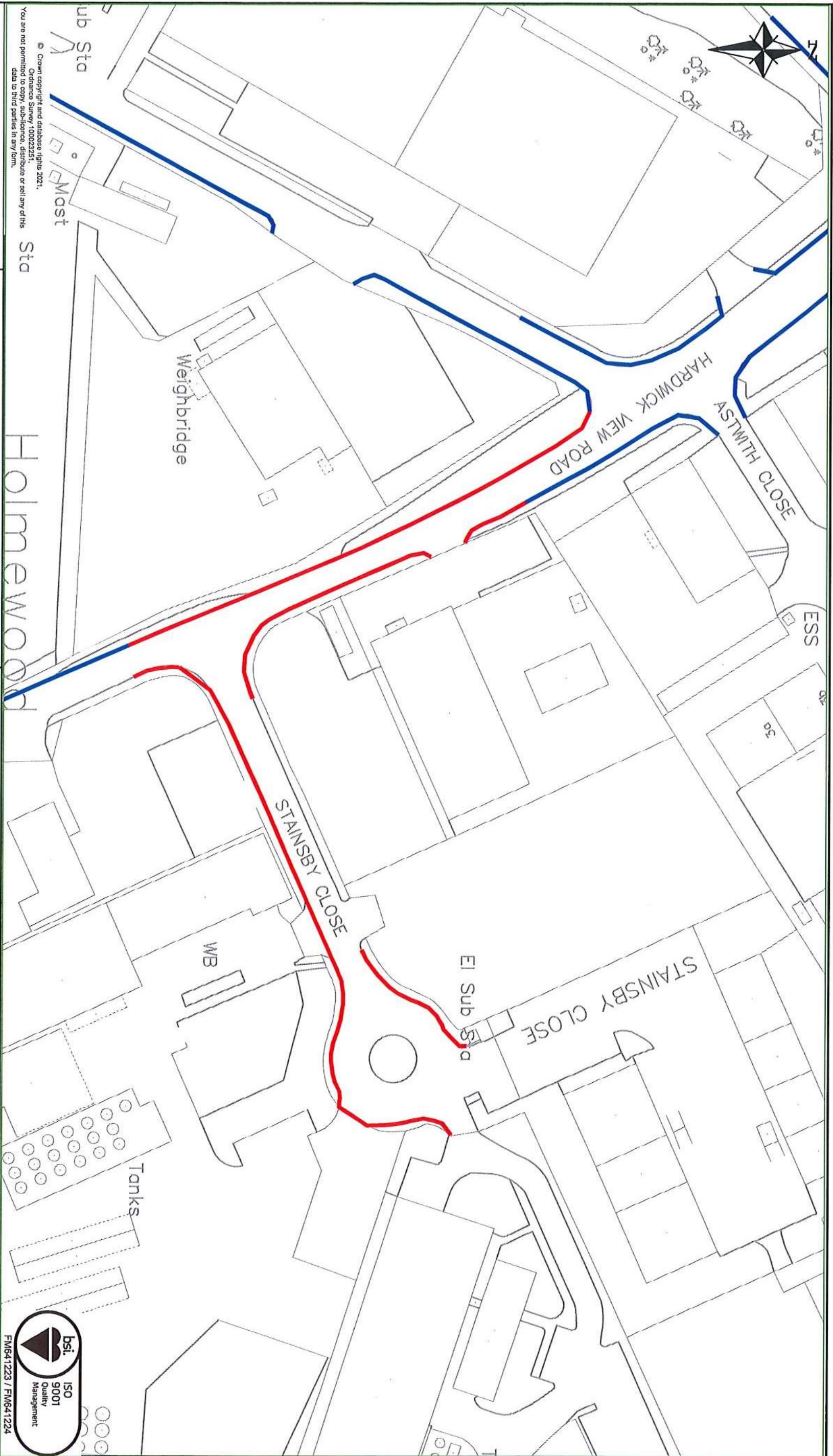
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ORIGINAL DRAWING SIZE: A2 (594 x 841 mm)









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**CHRIS HENNING**  
Executive Director  
Place

KEY:-

- Proposed Double Yellow Lines
- Existing Double Yellow Lines

PROJECT TITLE

Heath & Holmewood TRO  
Hardwick View Road and  
Stainsby Close

DRAWING TITLE

Consultation layout

DRAWN

AH

CHECKED

AH

APPROVED

BG

Date

12/09/2022

Date

12/09/2022

Date

12/09/2022

Project / Confirm  
Reference No.

PROJECT/CONFIRM\_REF

SCALE

Drawing  
Number

HMT/AH/431/22

NTS

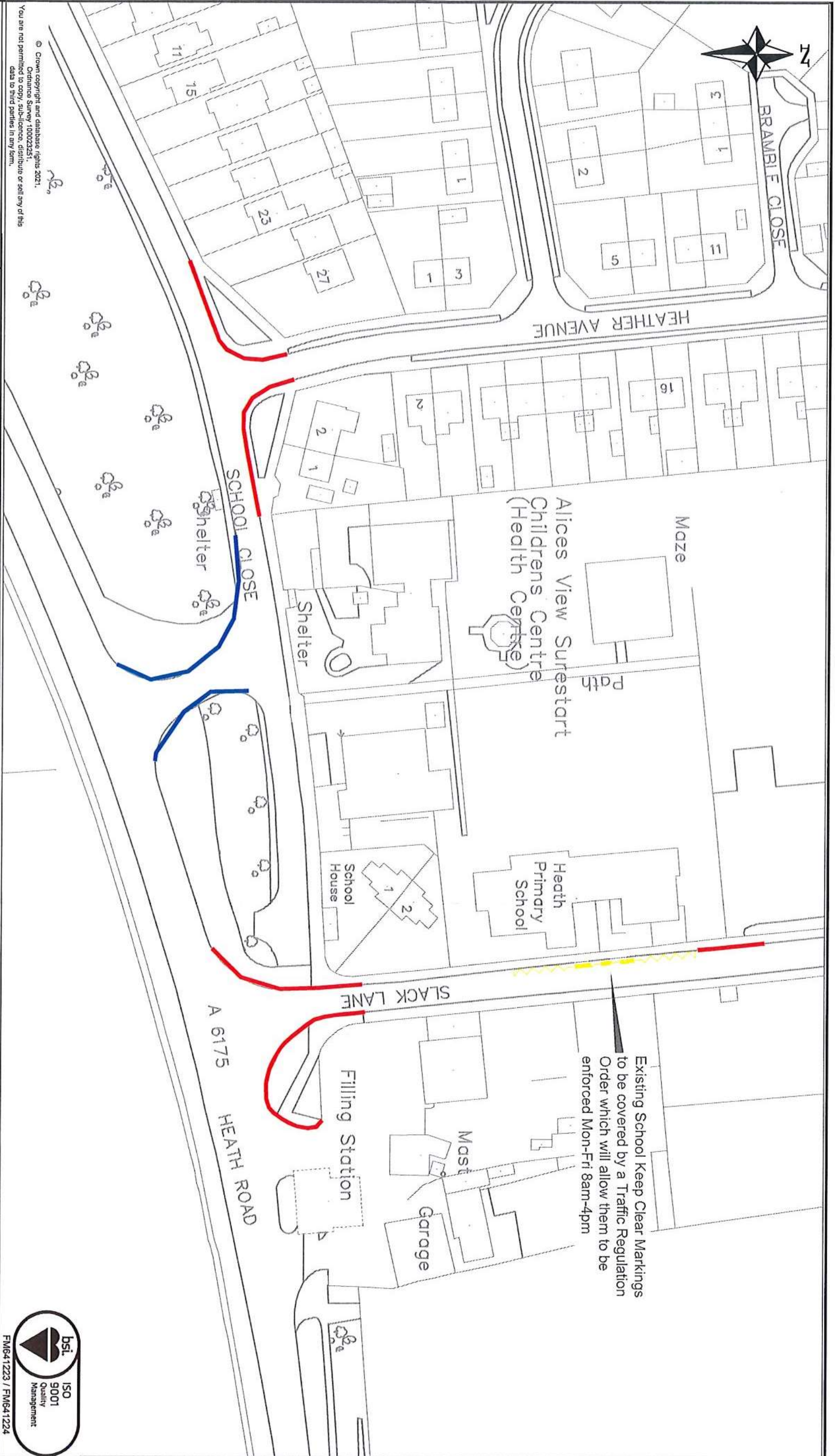
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**CHRIS HENNING**  
Executive Director  
Place

**KEY:-**

- Proposed Double Yellow Lines
- Existing Double Yellow Lines
- Existing School Keep Clear markings

**PROJECT TITLE**

Heath & Holmewood TRO  
A6175 Heath Road, Slack  
Lane and Heather Avenue

**DRAWING TITLE**

Consultation layout

**DRAWN**

AH

**CHECKED**

AH

**APPROVED**

BG

Date 12/09/2022

Date 12/09/2022

Date 12/09/2022

Project / Confirm Reference No. PROJECT/CONFIRM\_REF

SCALE

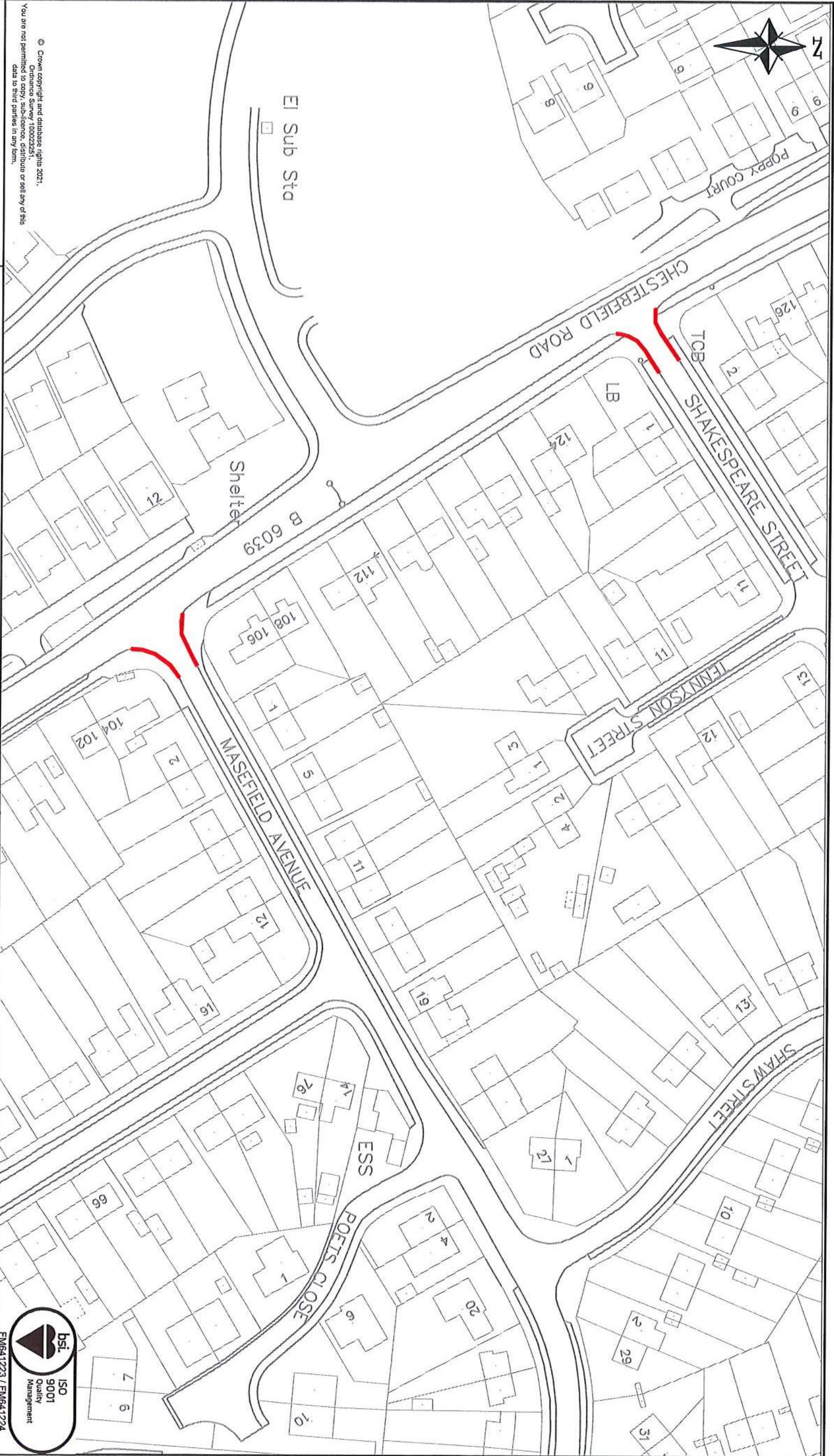
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**CHRIS HENNING**  
Executive Director  
Place

KEY:-

— Proposed Double Yellow Lines

PROJECT TITLE

Heath & Holmewood TRO  
Shakespeare Street and  
Masefield Avenue

DRAWING TITLE

Consultation layout

DRAWN

AH

CHECKED

AH

APPROVED

BG

Date 12/09/2022

Date 12/09/2022

Date 12/09/2022

Project / Confirm Reference No. PROJECT/CONFIRM\_REF

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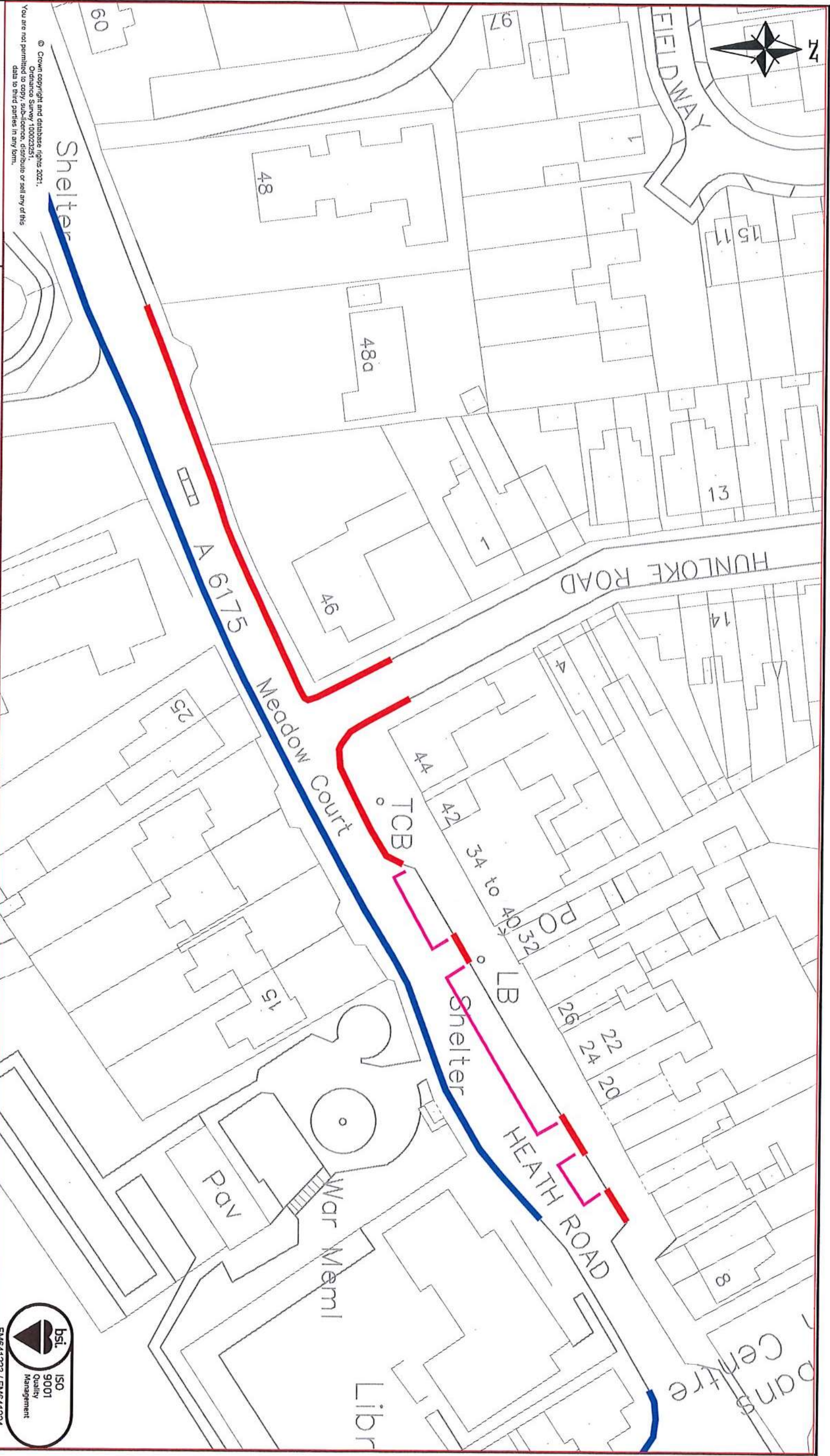
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**CHRIS HENNING**  
Executive Director  
Place

**KEY:-**

- Proposed Double Yellow Lines
- Existing Double Yellow Lines
- Existing parking bay

**PROJECT TITLE**

Heath & Holmewood TRO  
Heath Road, Holmewood

**DRAWING TITLE**

Consultation layout

**DRAWN**

AH

**CHECKED**

AH

**APPROVED**

BG

Date  
24/10/2022

Date  
24/10/2022

Date  
24/10/2022

Project / Confirm  
Reference No. PROJECT/CONFIRM\_REF

SCALE

Drawing  
Number HMT/AH/645/22

NTS

ORIGINAL DRAWING SIZE: 297 x 210 (A0)



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