

DATED 25th JANUARY 2024

THE DERBYSHIRE COUNTY COUNCIL

**ROAD TRAFFIC REGULATION ACT
1984**

**(PIT HILL & KITCHENER TERRACE,
WHALEY THORNS)
(NO WAITING AT ANY TIME
RESTRICTIONS) ORDER 2024**

HELEN BARRINGTON

MATLOCK

Z3412

DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT
1984

THE DERBYSHIRE COUNTY COUNCIL
(PIT HILL & KITCHENER TERRACE,
WHALEY THORNS)
(NO WAITING AT ANY TIME) TRAFFIC
REGULATION ORDER 2024

The Derbyshire County Council (Pit Hill & Kitchener Terrace, Whaley Thorns) (No Waiting at any Time) Traffic Regulation Order 2024 (Z3412)

The Derbyshire County Council ("the Council") in exercise of the powers conferred on it by Section 1, 2, 4, 32, 35, 35A and Part III and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police, hereby makes the following Order: -

1 CITATION AND COMMENCEMENT

- 1.1 This Order shall come into force for all purposes on the 5th February 2024 and may be cited as " The Derbyshire County Council (Pit Hill & Kitchener Terrace, Whaley Thorns) (No Waiting at any Time) Traffic Regulation Order 2024".

2 INTERPRETATION

- 2.1 In this Order except where the context otherwise requires, the following expressions (where used) have the meanings ascribed to them as follows: -

“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.

“Civil Enforcement Officer” and “CEO” has the same meaning as that provided in Section 76 of the Traffic Management Act 2004.

“Disabled Person’s Badge” and “Parking Disc” have the same meaning as in Regulation 3 (1) of the Local Authorities’ Traffic Orders (Exemptions 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.

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

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

“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.

“Goods” means goods or burden of any kind and includes postal packages of any description and delivering and collecting in relation to any Goods includes checking the Goods for the purpose of their delivery or collection.

“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.

“Highway” means all carriageways, footways, central reservations and verges.

"Junction" means:

- a) in relation to measurement only, the point where the prolongation of two kerblines intersect and where measurements are taken along the line of kerb for the said length of Road unless otherwise stated.
- b) in relation to its location, the point at which two or more highways intersect.

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

"Loading Vehicle" means a Motor Vehicle which is at that time being used to enable Goods to be loaded or unloaded, PROVIDED THAT when the aforementioned activity has been completed the Motor Vehicle is no longer a Loading Vehicle.

"Local Authority" has the meaning ascribed to it by section 23 of the 2003 Act.

"Main Carriageway" means any carriageway used primarily by through traffic, including any Carriageway of a slip road, but excluding any Lay-By, Footway Parking Place or Footway Loading Area.

"Mechanical Road Cleansing Vehicle" means a vehicle used for the purposes of cleaning the Highway.

"Motorcycle" has the same meaning as in section 136 of the 1984 Act.

"Motor Vehicle" means a mechanically propelled vehicle, intended or adapted for use on the Road.

"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.

"Parking Regulations" means The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

"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 Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

"Penalty Charge Notice (PCN)" means a PCN 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.

“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: -

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

"Relevant Position" means

- a) for the display of a Disabled Person's Badge or Parking Disc, that the Disabled Person's Badge or Parking Disc is displayed as stated in Regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 and shall be displayed for the whole time that the vehicle remains on that length of road,
- b) for the display of a Permit in a Motor Vehicle fitted with a windscreen, means a position on the inside surface of the windscreen or on the dashboard so that the date and time of issue or expiry (as appropriate) of that Permit may be read by a Civil Enforcement Officer and shall cause the said Permit to be so exhibited at all times and on the part of the windscreen nearest the kerb,
- c) for the display of a Disabled Person's Badge, Parking Disc or Permit in a Motor Vehicle not fitted with a front windscreen, a conspicuous position on the Vehicle so that the date and time of issue or expiry (as appropriate) of that Permit may be read by a Civil Enforcement Officer and shall cause the said Permit to be so exhibited at all times and on the Motor Vehicle.

“Road” has the same meaning as Section 142(1) of the Act; and means the area between two highway boundaries excluding any defined Footway Loading Area, Footway Parking Place or Lay-By and includes any length of Road.

“Road Marking” means a Traffic Sign consisting of a line or mark or legend on a Road in accordance with the Traffic Signs Regulations.

“Statutory Undertaker” has the meaning ascribed to “undertaker” by section 48(4) of the New Roads and Street Works Act 1991.

“The 2004 Act” means the Traffic Management Act 2004.

“The 2016 Regulations” means the Traffic Signs Regulations and General Directions 2016.

"Traffic Sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act.

"Universal Service Provider" has the same meaning as in Section 4(3) and (4) of the Postal Services Act 2000.

"Vehicle" means either:

- a) a Motor Vehicle or
- b) a pedal cycle in actual use for the purpose of cycling.

"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.

- 2.2 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an act of Parliament.
- 2.3 Reference to an Article or Schedule is a reference to an article or schedule contained in this Order.
- 2.4 The prohibitions and restrictions of waiting and the prohibitions of stopping imposed by this Order shall also apply to the Highway contiguous to the various parts of the Road referred to in this Order unless otherwise stated within the Schedule.
- 2.5 In interpreting this Order the following shall apply:
 - a) All lengths of Road specified in this Order are lengths of Road in the County of Derbyshire.
 - b) Unless otherwise provided, any reference in this Order to any legislation shall be construed to include any amendment replacement or re-enactment thereof for the time being in force and to include any delegation, legislation, orders, notices and directions made thereunder.
 - c) In this Order where the context requires, the masculine includes the feminine and the neuter and vice versa, the singular includes the plural and vice versa.
 - d) In this Order headings are included for ease of reference only and shall not affect the interpretation or construction of the Order.
 - e) In the Schedules all times and days are inclusive.

PART I

3 PROHIBITIONS OF WAITING

- 3.1 Save as provided in Articles 3.2 to 3.5 of this Order no person shall 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 Nothing in Article 3.1 shall prohibit any persons from causing or permitting any vehicle to wait in the lengths of Road or on the sides of Road referred to therein for so long as may be necessary:
- (a) to enable a person to board or alight from the Vehicle;
 - (b) to enable the Vehicle if it bears the livery of a Universal Service Provider (as defined in Section 4 of The Postal Services Act 2000) being used for the purposes of delivering or collecting mail;
 - (c) to enable 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) to enable 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;
 - (e) to enable 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) the removal of any obstruction to traffic;
 - (ii) building, industrial or demolition operations;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of road; or vehicle is being used in the service of a local authority;
 - (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;
 - (f) to enable a Loading Vehicle to load and unload Goods;
 - (g) to enable the vehicle to be used for police, ambulance or fire brigade purposes.

- 3.3 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).
- 3.4 Nothing in Article 3.1 shall apply to Public Services Vehicle.
- 3.5 The controls specified in Article 3.1 do not apply to anything done with the permission or at the direction of a police constable in uniform or a Civil Enforcement Officer.
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4 EFFECTS OF ORDER

- 4.1 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.
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5 REVOCATIONS OF PREVIOUS ORDERS

- 5.1 Any permanent Traffic Regulation Orders made prior to this Order, insofar as they relate to parking, loading, and waiting restrictions on the lengths of road listed in Schedules to this Order are hereby revoked.
- 5.2 The Derbyshire County Council Consolidation Order 2016, insofar as it relates to the lengths of roads listed in Schedules to this Order are hereby revoked.
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SCHEDULE 1

NO WAITING AT ANY TIME

Pit Lane, Whaley Thorns

Both sides

From its northern junction with Kitchener Terrace in a southerly direction for a distance of 87 metres.

Kitchener Terrace, Whaley Thorns

Both sides

From its junction with Pit Hill in an easterly direction for a distance of 9 metres

THE COMMON SEAL of the Derbyshire)
County Council was hereunto affixed)
the Twenty-fifth day of January Two Thousand)
and Twenty-Four in the presence of:-)



pp. Director of Legal Services

Number in Seal
Book 2024/126

Derbyshire County Council**Road Traffic Regulation Act 1984****(Pit Hill & Kitchener Terrace, Whaley Thorns)****(No Waiting at any Time Restrictions) Order 2024****Statement of Reasons**

Derbyshire County Council has a duty under Section 122 of the Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

To do this it appears to the Council that it is expedient to make an order under –

- Section 1 (a) for avoiding danger to persons or other traffic using the roads or any other roads or for preventing the likelihood of any such dangers arising,
- Section 1 (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians),
- Section 1 (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property,
- Section 1 (f) for preserving or improving the amenities of the area through which the road runs,

Reason**Pit Hill, Kitchener Terrace & New Access Road – No Waiting at any Time Restrictions**

Improve visibility for both pedestrians crossing and for vehicles carrying out turning manoeuvres at the New access road and Kitchener Terrace junctions with Pit Hill.

Under Delegated Officer Approval, following consultations with the Local Member(s) it was agreed to make the Order, subject to the consideration of any objections which may be received following the public advertisement of the proposals.


The proposals are more particularly delineated in the draft Order which accompanies this Statement.

Chris Henning, Executive Director – Place, Derbyshire County Council, County Hall, Matlock, DE4 3AG

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 third parties in any form.

Proposed Double
 Yellow Lines

FIRST ISSUE	XX	XX	XX	XX	XXXXXX	REV
AMENDMENT DETAILS						
DRAWN	B. GOULD		CHECKED	APPROVED		
Date	SEPT 23		Date	Date		
DRAWING STATUS			CLASSIFICATION			
WORK IN PROGRESS			CONTROLLED			
ORIGINAL DRAWING SIZE 297 x 210 (A4)						



DERBYSHIRE
 County Council

Chris Henning
 Executive Director - Place

PLACE

NETWORK MANAGEMENT
TRAFFIC & SAFETY



BSI
 ISO
 9001
 Management
 FINGERPRINT / FINGERPRINT

PROJECT TITLE
 PIT HILL & KITCHENER TERRACE
 LANGWITH

DRAWING TITLE
 PROPOSED WAITING RESTRICTIONS

DCC Project Reference No.
 Drawing Number

PROJECT REF
 HMT/BG/467/23

SCALE @ A4
 N.T.S.

