

**THE COUNTY COUNCIL OF DURHAM  
(LANCHESTER AND LANGLEY PARK)  
(PROHIBITION AND RESTRICTION OF WAITING AND LOADING)  
ORDER 2010 (AMENDMENT NO. 1) ORDER 2016**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32 & 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended ("the Act") and Part 6 of the Traffic Management Act 2004, as amended and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

**1. General**

This Order may be cited as The County Council of Durham (Lanchester and Langley Park) (Prohibition & Restriction of Waiting and Prohibition of Loading) Order 2010 (Amendment No. 1) Order 2016 and shall come into operation on the 12<sup>th</sup> day of December 2016.

**2. Amendments**

The under-noted amendments have been made to the following Order:

The County Council of Durham (Lanchester and Langley Park) (Prohibition & Restriction of Waiting and Prohibition of Loading) Order 2010.

3/165

Purpose of Amendments

The following brief synopsis of amendments should be viewed in conjunction with the plans identified within the Schedules to the above Order, however the plan DC157 should prevail in the event of any discrepancy:

1. Introduce No Waiting At Any Time restriction on Front Street across the accesses to Woodham Court and Stone beck.
2. Introduce No Waiting At Any Time restriction on the north side of Front Street (access road) from No 37 to No 27.
3. Introduce No Waiting At Any Time restriction across the dropped kerbed access to War Memorial.
4. Introduce Parking Mon-Sat 9am-5pm 3 hours no return within 3 hours on the north side of Front Street outside of No.'s 3-11 and 17-19.
5. Introduce disabled badge holders only parking bay outside of No. 1 Front Street – operational Mon-Sat 9am-5pm

**ARTICLES**

**Article 3 – Interpretation**

The following interpretations have been included in the Order:

"parking bay" means an area of highway designated as a parking bay under the provisions of this Order;

"parking place" means an area of highway designated as a parking place under the provisions of this Order;

"penalty charge" means a charge set by the Council under the provisions of section 77 of the Traffic Management Act 2004, as amended, in accordance with the relevant statutory regulations or guidance given by the Secretary of State for Transport;

"penalty charge notice" means a notice issued by a civil enforcement officer pursuant to the provisions of section 78 of the Traffic Management Act 1978, as amended;

"parking contravention" has the same meaning assigned to it by Section 73 and Part 1 of Schedule 7 to the Traffic Management Act 2004.

"relevant position" has the same meaning as defined by The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"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; and

#### **Articles 4, 5, 6 & 7(2)**

Reference to Article 13 has been removed and reference to Article 18 inserted.

The following Articles have been inserted:

#### **Parking Places**

8. (1) The areas of highway identified within the individual plans detailed in Schedule 5 to this Order are hereby designated to be used as parking places, subject to the provisions of this Order.
- (2) Save as provided in Article 18 of this Order, no person shall, except upon the direction or with the permission of an enforcement officer, or civil enforcement officer, cause or permit a motor vehicle or motor cycle to wait in a parking place, authorised under paragraph (1) of this Article, for a period exceeding the maximum stay specified within the individual plans detailed in Schedule 5 of this Order, or to return within the period also specified on those plans.
- (3) Each parking place identified within the individual plans detailed in Schedule 5 to this order, and authorised under paragraph (1) of this Article may be used for the leaving of motor vehicles and motor cycles of such class as specified within the individual plans detailed in that Schedule on such days and during such times as identified.
- (4) The limits of each parking place shall be indicated, by the Council, on the highway by the appropriate traffic signs and road markings.

#### **Disabled Badge Holders Only**

9. (1) The areas of highway identified within the individual plans detailed in Schedule 6 to this Order are hereby designated to be used as disabled persons parking places, subject to the Provisions of this Order.
- (2) Save as provided in Article 18 of this Order no person shall, except upon the direction or with the permission of an enforcement officer, or civil enforcement officer, cause or permit any vehicle, other than one displaying a Disabled Person's Badge/Disabled Person's Parking Disc to park in a Disabled Badge Holders Only Parking Place on such days and during such times as identified within the individual plans detailed in Schedule 6 to this Order.

- (3) Each parking place identified within the individual plans detailed in Schedule 6 to this order, authorised under paragraph (1) of this Article may be used only on such days and during such times as identified within the individual plans detailed in that Schedule by vehicles which display in the appropriate position a disabled person's badge and a disabled persons 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) on any day.
- (4) The limits of each parking place shall be indicated, by the Council, on the highway by the appropriate traffic signs and road markings.

#### **PART V**

#### **Parking Places & Parking/Loading Bays without Meters – General**

##### **Designation of Parking Places & Loading Bays**

10. (1) Each area of highway detailed in Articles 7, 8 & 9 and identified within the individual plan(s) detailed in Schedules 4, 5 & 6 to this Order are hereby designated as parking places and loading bays.
- (2) Each parking place and loading bay identified within the individual plan(s) detailed in Schedules 4, 5 & 6 to this Order, authorised under paragraph (1) of this Article, may only be used for the leaving of the specific classes of motor vehicles on such days and during such times as identified within the identified plan(s) detailed in Schedules 4, 5 & 6 to this Order; or
- (3) The number and situation of parking bays in each parking place may be determined by the Council and the limits of each parking place shall be indicated on the carriageway by the appropriate traffic signs.
- (4) The Council may carry out such other work as is authorised by this Order or is reasonable required for the purposes of the satisfactory operation of a parking place.

##### **Indications as Evidence**

11. If at any time while a vehicle is left in a parking place or loading bay specified in Articles 7, 8 & 9 of this Order:-
  - (a) No permit is exhibited on the vehicle in accordance with the provisions of this Order; or
  - (b) The vehicle is not exempted from any payment or charges under the provisions of Articles 7, 8 & 9 of this Order a Penalty Charge shall be payable

Article 12 (previously No. 8) – reference to Schedules 4, 5 & 6 have been inserted.

A new Article 13 has been inserted which reads:

##### **Class and position of Vehicle**

13. (1) No person shall cause or permit any vehicle, other than the permitted classes of vehicles, to use the parking places or loading bays identified in Articles 7, 8 & 9 or as specified in Schedules 4, 5 & 6 to this order;

- (2) Every vehicle left in a parking place or parking bay, specified in Articles 7, 8 & 9 of this Order, shall stand so that every part of the vehicle is wholly within the limits of the parking place or any parking bay within a parking place AND in those cases in which special provision is made in Schedules 4, 5 & 6 of this Order, in accordance with those provisions;
- (3) No person shall cause or permit any vehicle, unless so approved by an enforcement officer or civil enforcement officer, to wait or park in a parking place or loading bay specifically marked as available for a permitted class of vehicle, as identified in Schedules 4, 5 & 6 to this order, unless that vehicle is of that permitted class of vehicle.
- (4) No person shall cause or permit any vehicle to wait or park in a parking place marked for disabled persons unless the vehicle displays a valid disabled person's badge in the relevant position and unless the vehicle has been or is about to be used by the person(s) in respect of whom the disabled person's badge has been issued either immediately before or immediately after the act of parking. Where required the vehicle shall also display the disabled person's badge in accordance with local regulations;

Article 9 has been renumbered to Article 14.

New Articles 15 & 16 have been inserted which reads:

**Relocation and Removal of Vehicles and Other Equipment from Parking Places & Loading Bays**

15. (1) If a vehicle is left within a parking place or loading bay in a position other than in accordance with the provisions of this Order the Council may alter or cause to be altered the position of that vehicle so that it is accordance with those provisions.
- (2) The terms and conditions shall apply equally to any other equipment deposited in the parking place or loading bay which in the opinion of a person authorised by the Council constitutes a contravention of the provisions of this Order and these provisions are extended to include for the disposal of the equipment where it is deemed appropriate by the Council.
- (3) If a vehicle is left in a parking place or loading bay in contravention of any of the provisions of the Order a person authorised by the Council in that respect may remove the vehicle from the parking place or loading bay or arrange for such removal.
- (4) If an emergency occurs, an enforcement officer, may alter or cause to be altered the position of a vehicle in a parking place or loading bay or remove or arrange for the removal of a vehicle from a parking place or loading bay.
- (5) Any person altering or causing the alteration of the position of a vehicle left in a parking place or loading bay or removing or causing the removal of a vehicle may do so by towing, lifting or driving the vehicle or using such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (6) The provisions of paragraph (1) of this Article shall also apply to builders' skips or any other equipment which in the opinion of an enforcement officer or a civil enforcement officer constitutes a contravention of this Order.

## **Use of Parking Places & Loading Bays during permitted hours without payment**

16. (1) Without prejudice to the foregoing provisions of this Order relating to vehicles which are left in a parking place or loading bay in accordance with those provisions any other vehicle may wait during the permitted hours anywhere in a parking place or loading bay if:-
- a. the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
  - b. the vehicle is waiting due to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
  - c. the liveried vehicle is used for police, fire & rescue service or ambulance, or is a vehicle (other than a passenger vehicle) in the service of a local authority, being used in pursuance of statutory powers or duties;
  - d. the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
  - e. the vehicle is in the service of or employed by a universal service provider and is waiting while postal packets addressed to premises adjacent to the parking place or parking bay, in which the vehicle is waiting, or being unloaded from the vehicle or having been unloaded, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place or parking bay in which the vehicle is waiting;
  - f. the vehicle, not being a passenger vehicle, is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in paragraph (1) of Article 13 of this Order;
  - g. the vehicle is waiting for the purpose of posting or removing advertising material in the form of posters on or from premises adjacent to the parking place or parking bay in which the vehicle is waiting; or
  - h. in any other case the vehicle is waiting for the purpose of active delivery or collecting goods or active loading or unloading the vehicle at premises adjacent to the parking place or parking bay in which the vehicle is waiting.
- (2) Save as provided in paragraph (5) of this Article no charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place or loading bay in accordance with the provisions of this Article.
- (3) Nothing in the provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act.
- (4) Any person who leaves or causes a vehicle to be left in a parking place or loading bay by virtue of provisions (v), (vi), (vii) of paragraph (1) of this Article shall so stand as to be in accordance with the provisions of paragraph (1) of Article 12 of this Order.
- (5) When a vehicle is left in a parking place or loading bay designated under Articles 6, 7 & 8 of this Order, in contravention of the provisions of this article a penalty charge shall be payable.

Article 10 has been renumbered as Article 17 and the following changes made:

- Paragraphs (1) & (2) – reference to Schedule 5 has been removed and reference to Schedule 7 inserted.

- Paragraph (2) – reference to Article 13 has been removed and reference to Article 18 has been inserted.

Articles 11 and 12 have been renumbered as Articles 19 and 20 respectively.

Article 13 (Exemptions) has been renumbered as Article 18 and the following changes made:

- Paragraphs (1) & (2) - reference to Article 10 has been removed and reference to Articles 8, 9 and 17 have been inserted.
- Paragraphs (3) & (5) - reference to Article 8 has been inserted.
- Paragraph (4) – reference to Article 9 has been inserted.

Articles 14 and 15 have been renumbered as Articles 21 and 22 respectively.

### **SCHEDULES**

- Schedules 1, 2 & 3 - Plan reference DC157 has been removed and a revised plan bearing the same reference dated as at the seal date of this Amendment Order has been inserted.
- New Schedules 5 & 6 have been inserted which read:

**Schedule 5  
Parking Places**

**Plan reference numbers: DC157**

**Schedule 6  
Parking: Disabled Badge Holders Only**

**Plan reference numbers: DC157**

- Previous Schedule 5 has been renumbered as Schedule 7.

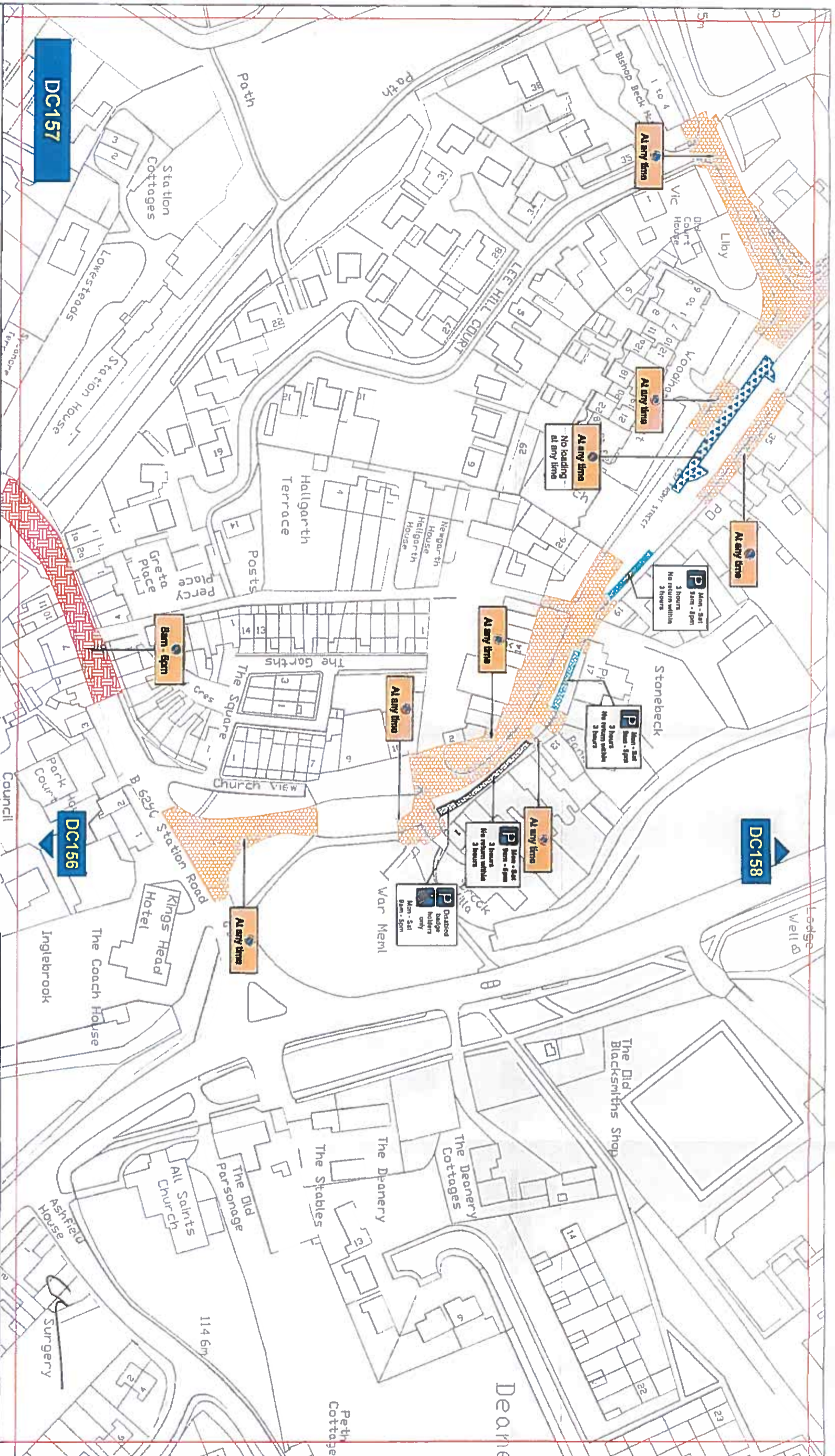
### **SAVING**

3. In so far as any provision of this Order conflicts with any provision which is contained in an Order made or having effect as if made under the Act or by or under any other enactment then the provisions of this Order shall prevail.
4. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

**GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM  
ON THE 1<sup>st</sup> DAY OF DECEMBER 2016**

.....  
**Authorised Sealing Officer**





**Key to Types of Restriction**

- No Waiting At Any Time
- Restricted Waiting
- No Loading/Unloading At Any Time
- Restricted Bay
- XXXXXX Individual Plan Reference

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**LANGLEY PARK AND LANCHESTER.  
PARKING AND WAITING RESTRICTIONS.**

Scale:	1:1250 @ A3		
Date:	August 2016		
Drawn by:	R. Smith	Signature:	
Date Sealed:	1/12/15	Map Schedule:	DC157