

**THE COUNTY COUNCIL OF DURHAM
(LEADGATE, MEDOMSLEY, HAMSTERLEY & EBCHESTER)
(PARKING AND WAITING RESTRICTIONS (CONSOLIDATION NO. 1)
ORDER 2016**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, & 124 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:-

Part 1

General

1. This Order may be cited as The County Council of Durham (Leadgate, Medomsley, Hamsterley & Ebchester) (Parking & Waiting Restrictions) (Consolidation No. 1) Order 2016 and shall come into operation on 10th October 2016.

Interpretation

2. In this Order the following expressions have the meanings hereby respectively assigned to them:-

"civil enforcement officer" means a person authorised by or on behalf of the Council pursuant to the provisions of Section 76 of the Traffic Management Act 2004.

"council" means The County Council of Durham;

"disabled person's badge" and "disabled person's parking disc" have the same meaning as in the Disabled Person's (Badge's for Motor Vehicles) (England) Regulations 2000 (as amended);

"enforcement officer" means a uniformed police officer, police community support officer or any subsequent designation of these officers;

"liveried vehicle" means a vehicle having a distinctive design and colour scheme used to distinguish a police, fire brigade or ambulance vehicle;

"motor vehicle" has the same meaning as in Section 136 of the Act;

"owner" in relation to a vehicle, shall mean the person by whom it is kept or used;

"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 designed as a parking place under the provisions of this Order;

"penalty charge" means charge set by Durham County Council pursuant to the provisions of Section 77 of the Traffic Management Act 2004.

"penalty charge notice" means a notice issued by a Civil Enforcement Officer pursuant to the provisions of Section 78 of 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;

"taxi" has the same meaning as "hackney carriage" as defined in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

"universal service provider" has the same meaning as in the Postal Services Act 2000;

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
4. 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. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

Part II

Consolidation

The following Orders have been consolidated in full or in part and their effects transferred to this Order.

6. (i) The following Orders have been consolidated in full:

The County Council of Durham (Leadgate, Medomsley & Hamsterley)
(Prohibition & Restriction of Waiting) Order 2012.

4/156

The County Council of Durham (Leadgate, Medomsley & Hamsterley)
(Prohibition & Restriction of Waiting) (Amendment No. 1) Order 2012.

4/193

The County Council of Durham (Lope Hill Road) (Leadgate Industrial Estate),
Leadgate) (Prohibition of Waiting) Order 2015

4/216.

- (ii) The following Orders have been consolidated in part:

The County Council of Durham (Various Schools, North Durham –
Derwentside, Chester-le-Street and Easington Areas) (No Stopping on School
Entrance Markings) Order 2009 – part revocation of Schedule 1:

3/160.

- Leadgate Junior School, Alder Grove, Leadgate
- Our Lady and St. Josephs RC Primary School St Ives Road, Leadgate
- Leadgate County Infant School, West Street, Leadgate
- Ebchester C of E Primary School, Shaw Lane, Ebchester
- Bishop Ian Ramsey School, Manor Road, Medomsley

Part III

Prohibition of Waiting At Any Time

7. Save as provided in Article 15 of this Order, no person shall, except upon the direction or with the permission of a civil enforcement officer or an enforcement officer, cause or permit any vehicle to wait at any time on any of the lengths of roads or sides of lengths of roads identified within the individual plans detailed in Schedule 1 to this Order.

Prohibition of Waiting At Any Time, except taxis 6pm-midnight

8. Save as provided in Article 15 of this Order, no person shall, except upon the direction or with the permission of a civil enforcement officer or an enforcement officer, cause or permit any vehicle to wait at any time, except taxis 6pm-midnight on any of the lengths of roads or sides of lengths of roads identified within the individual plans detailed in Schedule 2 to this Order.

Restricted Waiting 8am-8pm

9. Save as provided in Article 15 of this Order, no person shall, except upon the direction or with the permission of a civil enforcement officer or an enforcement officer, cause or permit any vehicle to wait on any of the lengths of roads or sides of lengths of roads between the hours of 8am and 8pm on any day as identified within the individual plan(s) specified in Schedule 3 to this Order.

Part IV

Parking Places

Mon-Sat 8am-6pm 1 hour no return within 1 hour

10. (1) The areas of highway identified in Schedule 4 to this Order are hereby designated as parking places.
- (2) Save as provided in Article 15 of this Order each Parking Place designated under paragraph (1) of this Article may be used for the leaving of motor vehicles and motor cycles of such class, only on such days and during such times and for a period not exceeding the maximum stay as identified within the individual plan(s) detailed in Schedule 4 to this Order.
- (3) The limits of each parking place and of each parking bay shall be indicated by the Council, on the carriageway by the appropriate traffic signs and road markings.
- (4) The driver of a motor vehicle or a rider of a motor cycle shall not permit it to enter or wait in a parking place, authorised by paragraph (1) of this Article, for a period exceeding the maximum stay identified within the individual plan detailed in Schedule 4 to this Order or to return within the period also specified that plan.

Manner of Standing in Parking Places

11. (1) Every vehicle left in a parking place, described in Article 10 and identified within the individual plan(s) detailed in Schedule 4 of this Order, shall so stand, subject to paragraph (2) of this Article, so that every part of the vehicle is wholly within the limits of the parking place.
- (2) Where a vehicle has been left in a parking place, referred to in paragraph (1) of this Article, is too long to comply with the provisions of that paragraph such vehicle shall be deemed to be within the limits of the parking place if:-
- (a) the extreme front or rear portion of the vehicle is within 300 mm of the defined edge of the parking place or loading bay, the defined edge being identified on the highway by the appropriate road markings, traffic signs or kerbed edge;
- (b) the vehicle, or any part of it, is not within the limits of any adjoining parking place.

Power to suspend Parking Places

12. (1) Any person authorised by the Council may suspend the use of a parking place or any part thereof whenever he consider such suspension is reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place, or the maintenance, improvement or reconstruction of the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the parking place or loading bay at times of weddings, funerals or on other special occasions.
- (2) An enforcement officer may suspend the use of a parking place or any part thereof, whenever such suspension is reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person suspending the use of a parking place or any part thereof, in accordance with paragraph (1) or (2) of this Article shall, thereupon, place or cause to be placed in or adjacent to the parking place or part thereof, as the case may be, a traffic sign indicating that waiting by vehicles is prohibited.
- (4) No person shall cause or permit any vehicle to wait in a parking place or any part thereof, during such period as there is placed in or adjacent to the parking place, as the case may be, a traffic sign indicating that waiting by vehicles is prohibited.
- Provided that nothing in this paragraph shall apply to any vehicle waiting in the parking place or part thereof, which is suspended, with the permission of the person suspending the parking place or part thereof, in pursuance of paragraph (1) or (2) of this Article.
- (5) No person shall use a parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of their skills or services.

Relocation and Removal of Vehicles and Other Equipment

13. (1) If a vehicle is left on or within the highway, that pertains to any of the locations identified within the individual plans detailed in the Schedules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 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) If a vehicle is left in a location identified under paragraph (1) 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 arrange for such removal.
- (3) The terms and conditions shall apply equally to any other equipment deposited in the parking place 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.
- (4) If an emergency occurs, the Council or an enforcement officer may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.
- (5) Any person altering or causing the alteration of the position of a vehicle 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 they may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

14. No Stopping Mon-Fri 8am-6pm on entrance markings

Save as provided in Article 15 of this Order no person shall, except upon the direction or with the written permission of an enforcement officer or civil enforcement officer, cause or permit any vehicle to stop or wait on any of the lengths of roads or sides of lengths of roads identified in the individual plan detailed in Schedule 5 to this Order.

Part VI

Exemptions

- 15. (1) Nothing in Articles 7, 8, 9, 10 or 15 of this Order shall render it unlawful to cause or permit any vehicle to wait on any of the lengths of roads or sides of lengths of roads referred to therein, for so long as may be necessary to enable;
 - (a) 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:-
 - (i) building or demolition;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or re-construction of the said roads;
 - (iv) the laying, erection, alteration or maintenance in or in land adjacent to the said lengths of roads of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (b) 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 water authority in pursuance of statutory duties;

- (c) the vehicle to be used for the purpose of delivering or collecting postal packets in the service of a universal service provider.
- (2) Nothing in Articles 7, 8, 9, 10 or 15 of this Order shall apply to any liveried vehicle being used for police, fire & rescue service or ambulance purposes in pursuance of statutory duties.
- (3) Nothing in Article 7 of this Order, shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge and disabled person's 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 any of the lengths of road or on the sides 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 road on the same day).
- (4) Nothing in Article 10 of this Order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge to wait in the lengths of road referred to in that Article.
- (5) Nothing in Articles 7 or 9 of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of roads or sides of lengths of roads referred to therein for so long as may be necessary to enable:-
 - (a) the picking up or setting down of passengers; or
 - (b) goods to be loaded onto or unloaded from the vehicle.

Part VII

Contravention & Enforcement

- 16. If a vehicle is left at any time in contravention of a provision of this Order, a penalty charge shall be payable.
- 17. In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may be issued by a Civil Enforcement Officer.

Saving

- 18. 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.
- 19. 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.

Schedule 1

Prohibition of Waiting At Any Time

Item No	Plan ref.	Item No	Plan ref.	Item No	Plan ref.
1	CU172	2	CV169	3	CW169
4	CU173	5	CS181	6	CS190

Schedule 2
Prohibition of Waiting At Any Time, except taxis 6pm-midnight

Item No	Plan ref.
1	CU172

Schedule 3
Restricted Waiting

Item No	Plan ref.	Item No	Plan ref.
1	CU172	2	CT172

Schedule 4
Parking Places

Item No	Plan ref.
1	CU172

Schedule 5
No Stopping Mon-Fri 8am-6pm on entrance markings

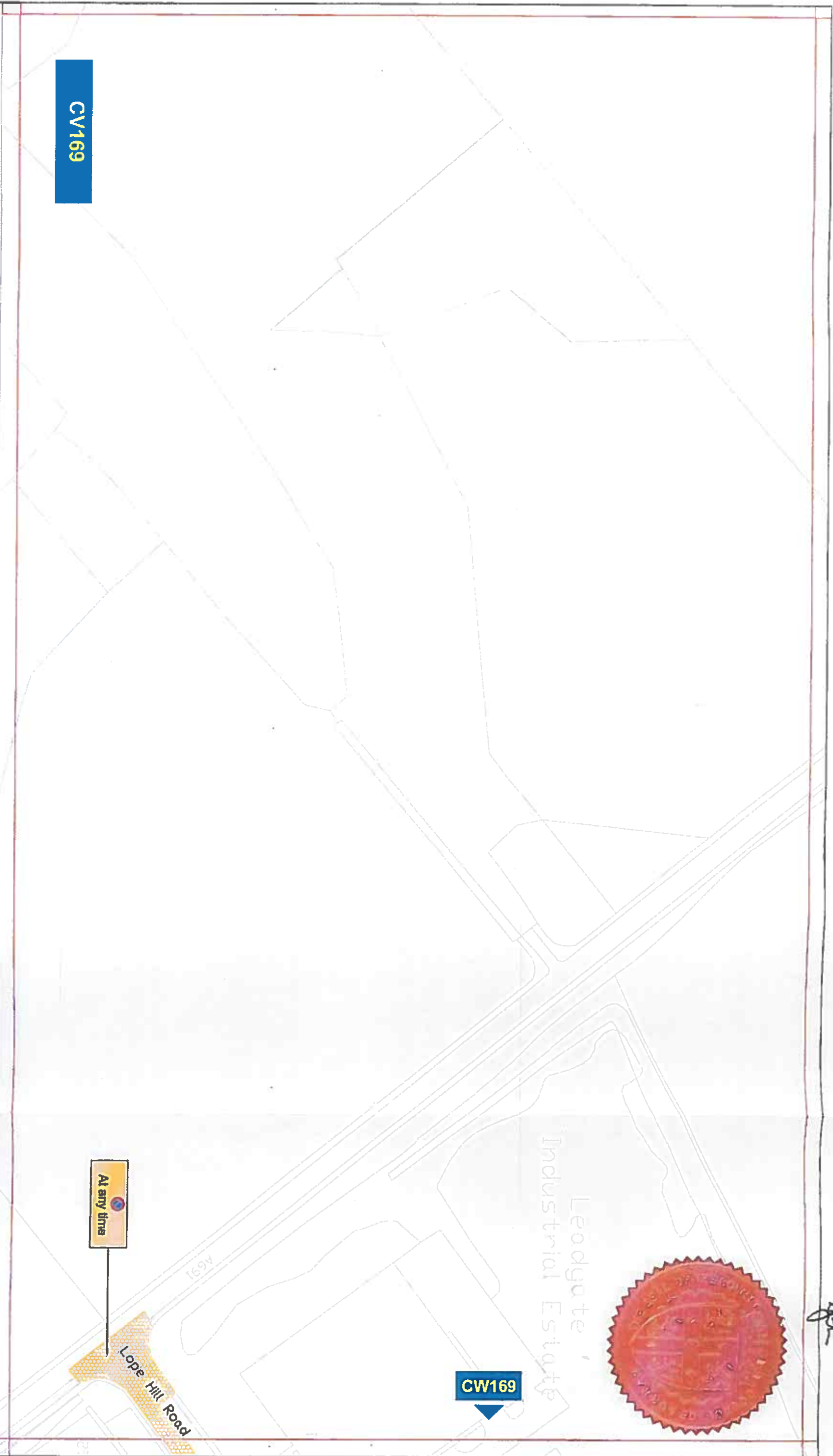
Item No	Plan ref.	Item No	Plan ref.	Item No	Plan ref.
1	CU171	2	CT172	3	CU173
4	CV173	5	CT182	6	CT183
7	CP186	8	CS190		

Given under the Common Seal of the County Council of Durham on 29th September 2016

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 Authorised signatory





Key to Types of Restriction

- No Waiting At Any Time
- Individual Reference Number



Durham
County Council

Corporate Director
Regeneration & Economic
Development

Strategic Traffic Management
County Hall, Durham DH1 1SU

Scale: 1:1250 @ A3

Date: September 2016

Drawn by: R. Smith

Signature: *RS*

Date Sealed: 29/9/16

Map Schedule: CV169

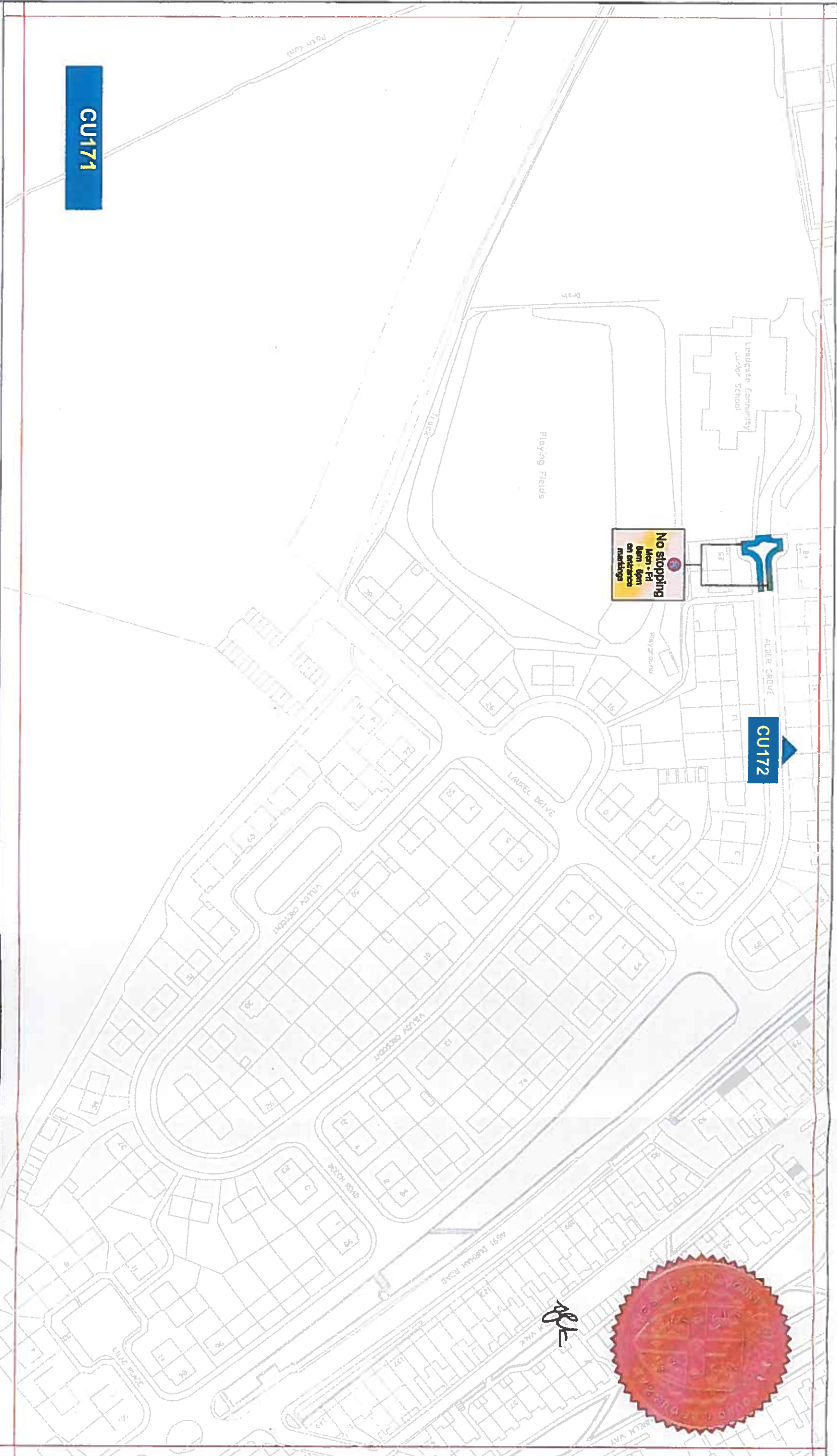
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PARKING AND WAITING RESTRICTIONS.





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CW169



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-  Individual Reference Number

CU171

CU172

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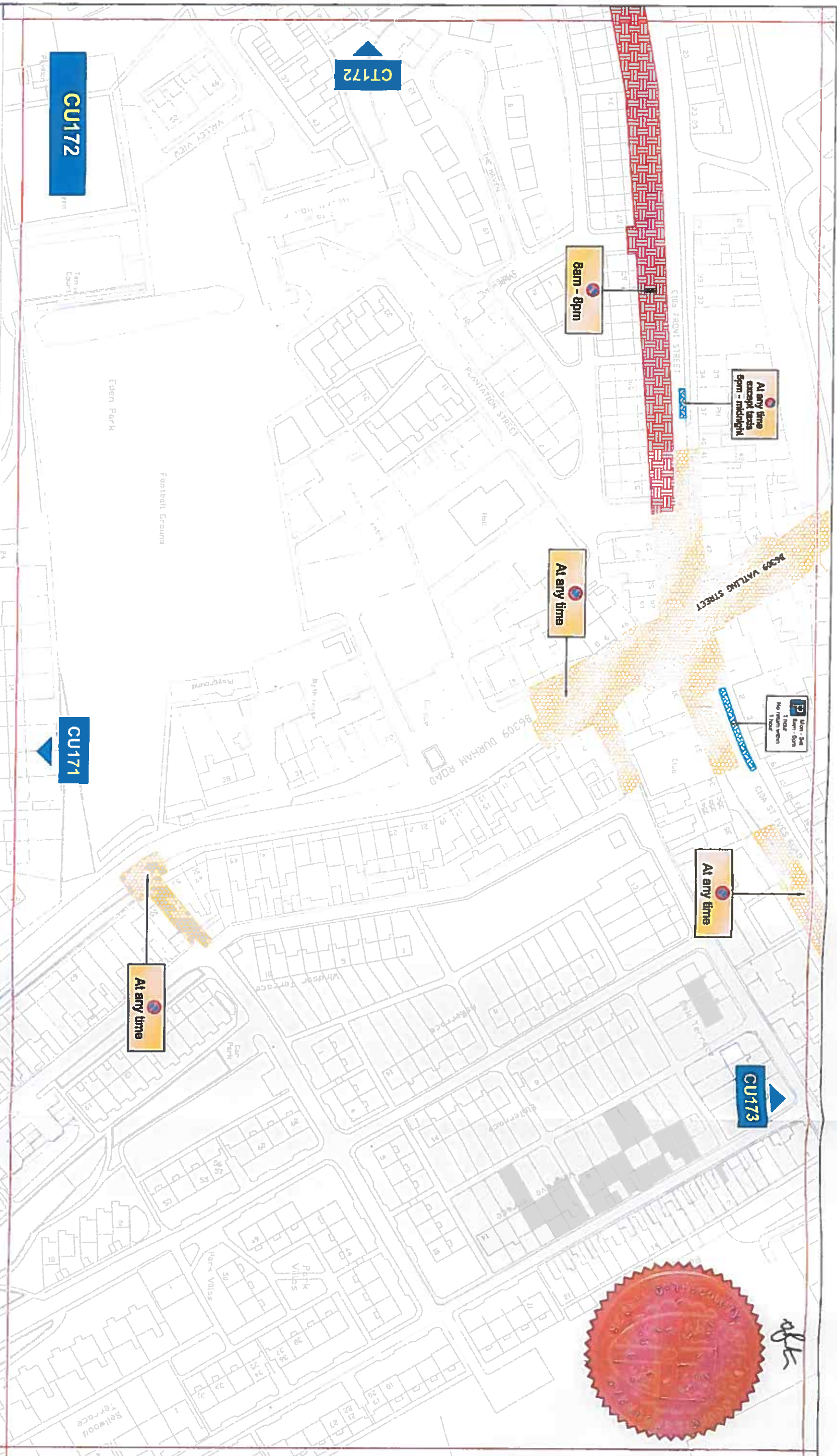
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Date Sealed	29/9/16	Map Schedule:	CU171



Key to Types of Restriction

-  Restricted Waiting
-  No Stopping
-  Individual reference number



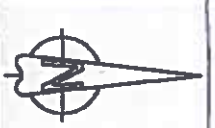
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- No Waiting At Any Time
- Restricted Waiting
- Restricted Bay
- XXXX Individual reference number

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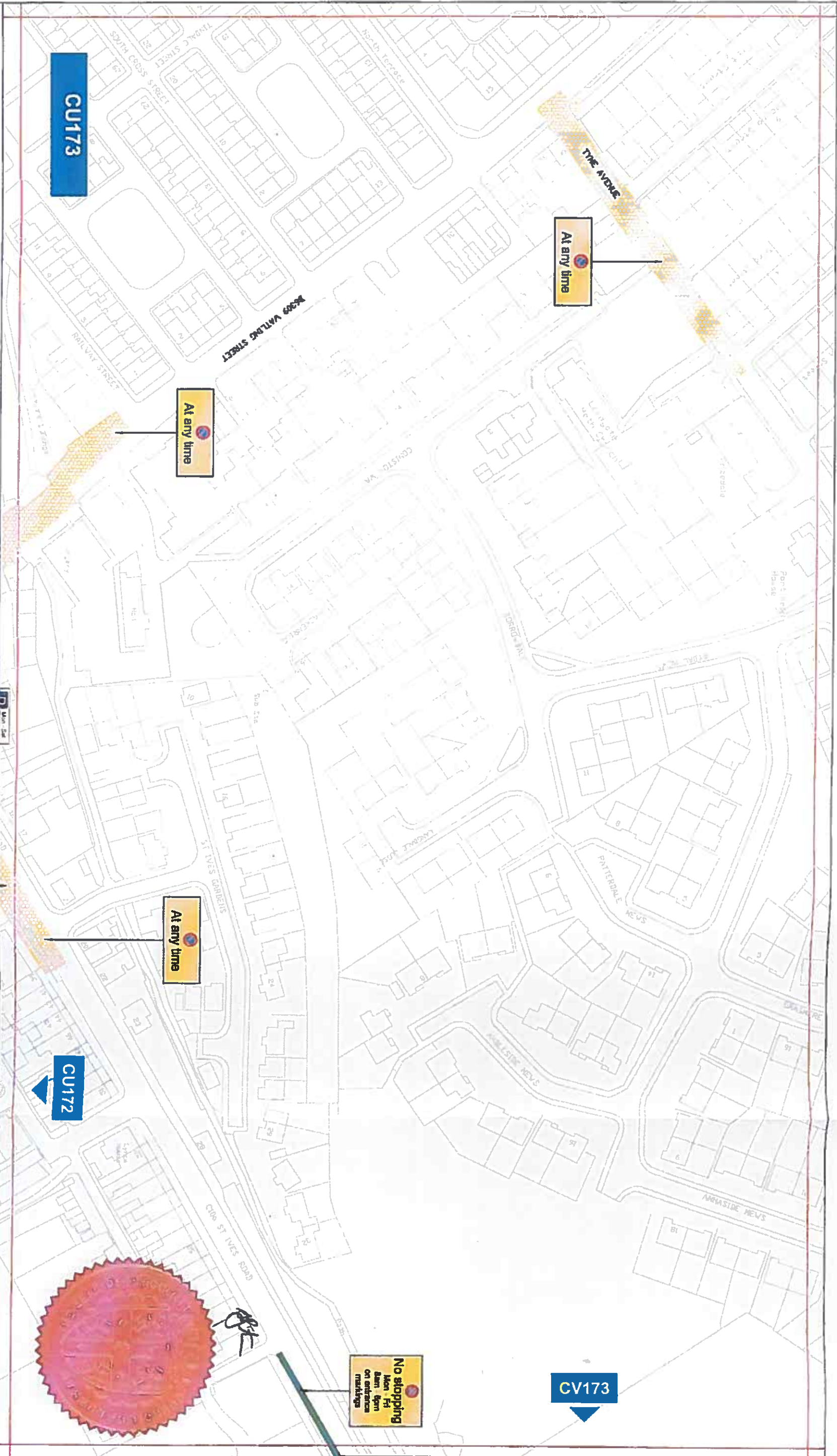


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LEADGATE, MEDOMSLEY, HAMSTERLEY AND
EBCHESHER
PARKING AND WAITING RESTRICTIONS.



Key to Types of Restriction

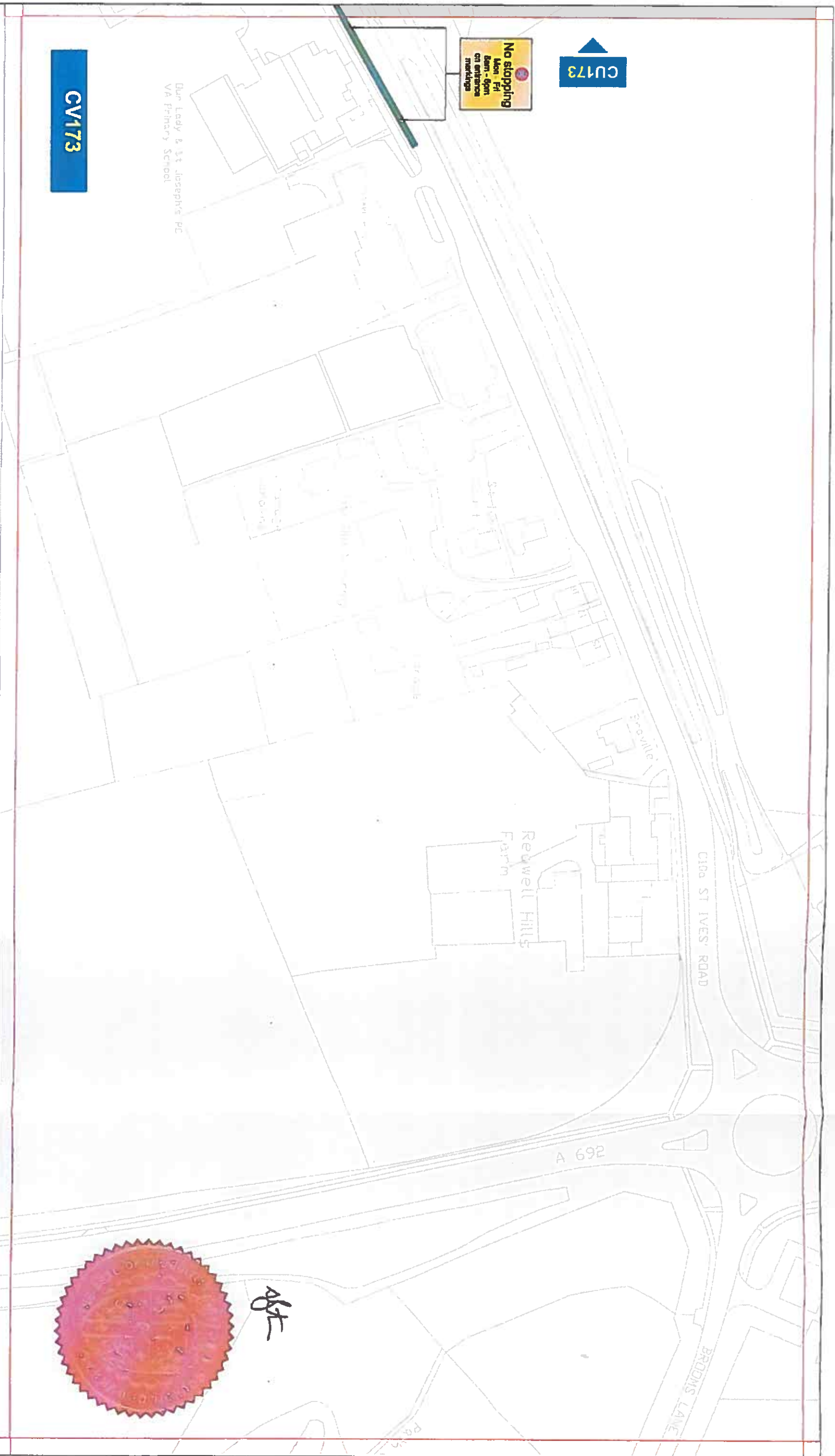
- No Waiting At Any Time
- No Stopping
- XXXX Individual reference number

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Map Schedule:	CU173



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PARKING AND WAITING RESTRICTIONS.**

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CS181

Key to Types of Restriction



No Waiting At Any Time



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CT183

CT182

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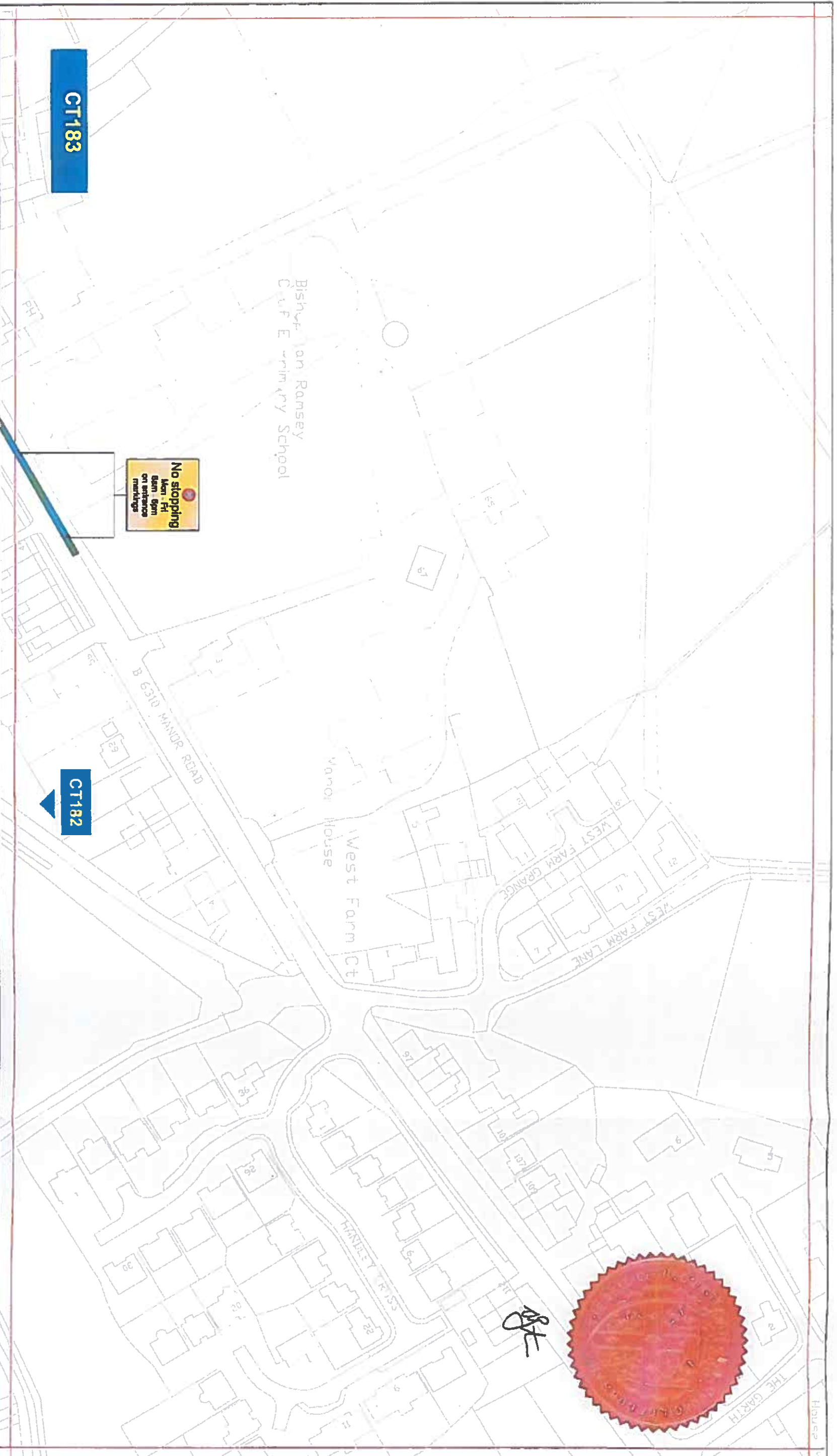
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Key to Types of Restriction



No Stopping



Individual Reference Number

CT183

CT182



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Date Sealed: 19/10 Map Schedule: CT183

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Date Scaled:	29/9/16	Map Schedule:	CP186



No stopping
Mon - Fri
8am - 6pm
on entrance
margins

CP186

CQ186

Key to Types of Restriction

No Stopping

XXXXXX Individual Reference Number

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