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**THE COUNTY COUNCIL OF DURHAM
(FREEMANS PLACE, DURHAM CITY)
(TRAFFIC MANAGEMENT)
ORDER 2008**

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 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 I

General

1. This Order may be cited as The County Council of Durham (Freemans Place, Durham City) (Traffic Management) Order 2008 and shall come into operation on 7 April 2008.

Interpretation

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

"Universal service provider" has the same meaning as in the Postal Services Act 2000.

"buses" have the same meaning as in Regulation 22 of the Traffic Signs Regulations 2002.

"disabled person's badge" has the same meaning as in the Disabled Person's (Badge's for Motor Vehicles) (England) Regulations 2000 (as amended).

"parking disc" means a device which:

- (a) is 125 millimetres square coloured blue, if issued on or after 1 April 2000, or orange if issued before that date
- (b) has been issued by a local authority and has not ceased to be valid and
- (c) is capable of showing the quarter hour during which a period of waiting began;

"Carriageway" has the same meaning as in section 329(1) of the Highways Act 1980.

"pedal cycle" means a unicycle, bicycle, tricycle, or cycle having four or more wheels, not being in any case mechanically propelled unless it is

an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the 1984 Act

"Cycle Lane" means an area of the carriageway of a length of road specified in Schedule 6 of this Order and marked with the traffic signs shown in diagram 1049 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002.

"contra-flow" means a part of a carriageway of a road where -
(a) traffic is authorised to proceed in the opposite direction to the usual direction of traffic on that part; or

(b) a specified class of traffic is authorised to proceed in the opposite direction to other traffic on that carriageway for the purpose of the Traffic Signs Regulations and General Directions 2002.

"Enforcement Officer" means a uniformed police officer, police community support officer or any subsequent designation of these officers.

(2) For the purposes of this Order a vehicle shall be regarded as displaying -

- (a) A disabled person's badge in the relevant position if -
 - (i) the badge is exhibited on the dashboard or fascia of the vehicle; or
 - (ii) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle;

so that the front of the badge is clearly legible from the outside of the vehicle.

- (b) A parking disc in the relevant position if -
 - (i) the disc is exhibited on the dashboard or fascia of the vehicle;or
 - (ii) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle

so that when marked to show the quarter hour period during which a period of waiting began, that period is clearly legible from outside of the vehicle.

Part II

Revocation

3. The County Council of Durham (Freemans Place, Walkergate and Back Silver Street Durham City) (Traffic Management) Order 2004.

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Part III

No Waiting at Any Time

4. Save as provided in Article 10 no person shall except upon the direction of an enforcement officer, cause or permit any vehicle to wait at any time in or on the lengths of roads or sides of lengths of roads specified in Schedule 1 of this Order.

No Waiting Except Buses

5. Save as provided in Article 10 no person shall except upon the direction of an enforcement officer, cause or permit any vehicle except buses to wait in or on the lengths of roads or sides of lengths of roads specified in Schedule 2 of this Order;
 - (a) for a period not exceeding 15 minutes
 - (b) and not to return within 30 minutes of the previous 15 minute waiting period.

Loading and Unloading Only

6. Save as provided in Article 10 of this Order no person shall except upon the direction of an enforcement officer, cause or permit any vehicle, other than a vehicle loading or unloading goods to wait in or on the lengths of roads or sides of lengths of roads specified in Schedule 3 of this Order.

No Loading or Unloading At Any Time

7. Save as provided in Article 10 no person shall except upon the direction of an enforcement officer, cause or permit any vehicle to wait in or on the lengths of roads or sides of lengths of roads specified in Schedule 4 of this order for the purpose of enabling goods to be loaded onto or unloaded from a vehicle.

One Way Traffic

8. Save as provided in article 10 of this Order, no person shall except upon the direction of an enforcement officer, cause or permit any vehicle to proceed in a direction other than specified in column 1 of Schedule 5 of this Order in a direction other than that specified in relation to those lengths of roads in column 2 of Schedule 5.

Contra – Flow Cycle Lane

9. Save as provided in article 10 of this Order, no person shall except under the direction of an enforcement officer cause or permit to cause any vehicle other than a pedal cycle to enter or proceed in any cycle lane as detailed in Schedule 6 of this Order.

Exceptions

10. (1) Nothing in Articles 4,5,6,7 and 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 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 or demolition;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction 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;
 - (d) 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;
- (2) Nothing in Article 4,5,6 ,7,8 and 9 of this Order shall apply to any vehicle being used for police, fire brigade or ambulance purposes.
- (3) Nothing in Article 8 of this Order shall apply to a mechanical road cleansing vehicle.
- (4) Nothing in Article 4,5,6 or 7 of this Order shall apply to:
- (a) any official vehicle being used in connection with weddings or funerals;
 - (b) the picking up or setting down of passengers;
 - (c) any vehicle being used for the purpose of delivering or collecting postal packets in the service of a universal service provider.

- (5) Nothing in article 4, 5 or 6 of this Order shall apply to:
- (c) goods being loaded on to or unloaded from a vehicle;
- (6) Nothing in article 9 of this Order shall apply to:
- (a) a vehicle which is required for the purpose of collecting or delivering letters in pursuance of any statutory duty of the Post Office to collect or deliver letters on behalf of Royal Mail.
- (7) Nothing in Article 4 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 parking disc (on which the driver or other person in charge of the vehicle, has marked the quarter hour period during which the period of waiting began) to wait in any of the lengths of road or 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 length of road on the same day).

PART IV

Saving

11. Insofar 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.
12. 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 No Waiting At Any Time

* REV BY 2/24.

Item No	Location		Description	Side of Road	Restriction
1	Durham	Freemans Place	From its junction with Providence Row via and including Walkergate to its junction with A690 Leazes Road.	Both	No Waiting At Any Time
2	Durham	Back Silver Street	From its junction with Walkergate (junction line) in a southerly direction for a distance of 73.7m.	Both	No Waiting At Any Time

Schedule 2

**No Waiting Except Buses/Coaches - limited waiting 15 mins
No return within 30 mins**

Item No	Location		Description	Side of Road	Restriction
1	Durham	Freemans Place	from a point 43m north of the northern face of the abutment of the Milburngate Bridge in a northerly direction for a distance of 30m.	West	No waiting except buses/coaches

Schedule 3

Loading Only - Loading Bay

Item No	Location		Description	Side of Road	Restriction
1	Durham	Freemans Place	From a point 89m north of the northern face of the abutment of the Milburngate Bridge in a northerly direction for a distance of 42m.	East	Loading only.

Schedule 4

* REV BY 2/25

No Loading/Unloading At Any Time

Item No	Location		Description	Side of Road	Restriction
1	Durham	Freemans Place	From a point 131m north of the northern face of the abutment of Milburngate Bridge in a northerly direction for a distance of 38m.	East	No Loading/Unloading At Any Time
2	Durham	Freemans Place	From a point 89m north of the northern face of the abutment of Milburngate Bridge in a southerly then easterly via and including Walkergate to its junction with A690 Leazes Road.	East	No Loading/Unloading At Any Time
3	Durham	Freemans Place	From a point 73m north of the northern face of the abutment	West	No Loading/Unloading

			of Milburngate Bridge in a northerly direction for a distance of 97m		At Any Time
4	Durham	Freemans Place	From a point 43m north of the northern face of the abutment of Milburngate Bridge in a southerly then easterly direction via and including Walkergate to its junction with A690 Leazes Road.	West	No Loading/ Unloading At Any Time
5	Durham	Back Silver Street	From its junction with Walkergate (junction line) in a southerly direction for a distance of 10.3m	Both	No Loading/ Unloading At Any Time

Schedule 5**One Way**

	Column 1	Column 2
1	Walkergate from its junction with Leazes Road in a westerly direction then in a northerly direction on Freemans Place to a point 170metres north of the northern face of the abutment of Milburngate Bridge.	East to West (on Walkergate) and South to North (on Freemans Place)

Schedule 6**Contra Flow Cycle Lane**

Item No	Location	Description	Side of Road	Restriction
1	Durham	Walkergate	From the Centre line with back silver street in a westerly direction for a distance of 18m and an easterly direction for a distance of 40.7m. Width 1.3m.	North Mandatory cycle lane

Given under the Common Seal of the Council this day of 3 April 2008.



