

**THE COUNTY COUNCIL OF DURHAM  
(A690 NEVILLES CROSS BANK/DARLINGTON ROAD, NEVILLES CROSS)  
(NO WAITING AND PARKING PLACES)  
ORDER 2009**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32 and 35 to the Road Traffic Regulation Act 1984, as amended, ("the Act") and 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 (A690 Nevilles Cross Bank/Darlington Road, Nevilles Cross) (No Waiting and Parking Places) Order 2009 and shall come into operation on 10 August 2009.

**Interpretation**

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

"bullion vehicle" means a vehicle designed or adapted for the conveyance of bullion and similar securities to a bank or building society premises;

"civil enforcement officer" means a person pursuant to the provisions of Section 76 of the Traffic Management Act 2004;

"disabled person's badge" has 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" a distinctive design and colour scheme used on a vehicle to distinguish a police, fire or ambulance service vehicle;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, for the purposes of the 1984 Act;

"motor cycle" has the same meaning as in section 136 (4) of the 1984 Act;

"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.

"penalty charge" and "reduced 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, which is to be paid in the manner prescribed in the penalty charge notice;

"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, as amended;

"relevant position" means:-

- (i) in the case of a disabled persons' badge:-

- (a) in the case of a vehicle fitted with a dashboard or fascia panel the badge is exhibited thereon; or
- (b) where the vehicle is not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position in the vehicle
- SO THAT the front of the badge is clearly legible from outside the vehicle; and

- (ii) in respect of a parking disc:-

- (a) in the case of vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon; or
- (b) where the vehicle is not fitted with a dashboard or fascia panel, 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 the vehicle;

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

## **Part II**

### **Prohibition of Waiting At Any Time**

- 3) Save as provided in Article 7 of this Order no person shall, except upon the direction or with the permission of an Enforcement Officer or a Civil Enforcement Officer, cause or permit any vehicle to wait on any of the lengths of roads or sides of lengths of roads as detailed in Schedule 1 to this Order.

**Prohibition of Waiting between the hours of 8.00 am and 6.00 pm Monday to Saturday**

- 4) Save as provided in Article 7 of this Order no person shall, except upon the direction or with the permission of an Enforcement Officer or a Civil Enforcement Officer, cause or permit any vehicle to wait between the hours of 8.00am and 6.00pm, Monday to Saturday on any of the lengths of roads, or sides of lengths of roads as detailed in Schedule 2 to this Order.

**Designation of Parking Places between the hours of 8.00am and 6.00pm, Monday to Saturday Waiting Limited to 3 Hours and No Return That Day**

- 5) Save as provided in Article 7 of this Order, each area of highway described in column 3 of Schedule 3 to this Order, is here by designated as a parking place. Each parking place may only be used subject to the provisions of this Order for the leaving of motor vehicles and motor cycles between the hours of 8.00am and 6.00pm, Monday to Saturday limited to 3 hours waiting and no return within that day.

**Motor Cycles Only Bay Monday to Saturday 8.00am until 6.00pm**

- 6) Save as provided in Article 7 to this Order, the area of highway described in column 3 of Schedule 4 to this Order, is here by designated as a parking place and may only be used subject to the provisions of this Order for the leaving of motor cycles between the hours of 8.00am and 6.00pm, Monday to Saturday.

**Part III**

**Exemptions**

- 7) (1) Nothing in Articles 3, 4, 5 and 6 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:-

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;

- (a) 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;
  - (b) the vehicle to be used for the purpose of delivering or collecting postal packets in the service of a universal service provider;
  - (c) a liveried vehicle being used for police, fire brigade or ambulance purposes in pursuance of statutory duties;
  - (d) a bullion vehicle being used for the purpose of delivering or collecting bullion.
- (2) Nothing in Articles 3 and 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 Schedules 1 and 2 to this order for a period not exceeding three hours not being a period separated by an interval of less than one hour from the previous period of waiting by the same vehicle in the same length of road, on the same day;
- (3) Nothing in Article 5 of this Order shall render it unlawful to cause or permit a vehicle which displays in the relevant position a disabled person's badge;
- (4) Nothing in Articles 3 and 4 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 in Schedules 1 and 2 of this Order for so long as may be necessary to enable the picking up or setting down of passengers;
- (5) Nothing in Articles 3 and 4 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 in Schedules 1 and 2 of this Order for so long as may be necessary to load or unload goods from the vehicle.

#### **Part IV**

##### **Saving**

- 8) 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.
- 9) 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.

## Part VI

### Contravention and Enforcement

- 10) If a vehicle is in contravention of a provision of this Order, a penalty charge shall be payable.
- 11) In the case of a vehicle in respect of which a penalty charge is payable, a penalty charge notice may then be issued by a civil enforcement officer in accordance with the requirements of Section 78 of the Traffic Management Act 2004 as amended.

### Schedule 1

#### Prohibition Of Waiting At Any Time

Item No	Location	Description	Side Of Road
1	Nevilles Cross A690 Nevilles Cross Bank/Homer Terrace	From a point 16.6m north east of the centre line with Relly Path in a north easterly direction for a distance of 8.5m	South East

### Schedule 2

#### Prohibition Of Waiting between the hours of 8.00am-6.00pm Monday to Saturday

Item No	Location	Description	Side of Road
1	Nevilles Cross Unc Darlington Road/ Cross View Terrace	From its junction line with A690 Nevilles Cross Bank in a south westerly direction for a distance of 6.6m	North East
2	Nevilles Cross Unc Darlington Road/ Cross View Terrace	From its junction line with A690 Nevilles Cross Bank in a south easterly direction for a distance of 21.9m	South West
3	Nevilles Cross A690 Nevilles Cross Bank	From the centre line of Unc Darlington Road/ Cross View Terrace in a north easterly direction for a distance of 10.0m	South East
4	Nevilles Cross Unc Darlington Road/ Cross View Terrace	From the centre line of the unnamed access road to Rear Homer Terrace in a south easterly direction to its junction with A167 Darlington Road.	South East

### Schedule 3

**Designated Parking Bays**  
**Monday-Saturday 8.00am-6.00pm**  
**Maximum Stay 3 Hours with no return within that day**

Item No	Location		Description	Side of Road
1	Nevilles Cross	Nevilles Cross Bank/Homer Terrace Side Road	From a point 25.1m north east of the centre line of Relly Peth in a north easterly direction for a distance of 17.1m.	South East
2	Nevilles Cross	Nevilles Cross Bank (Service Road)	From a point 46.1m south west of the centre line of Nevilles Cross Villas cul-de-sac in a south westerly direction for a distance of 16.5m.	North West

### Schedule 4

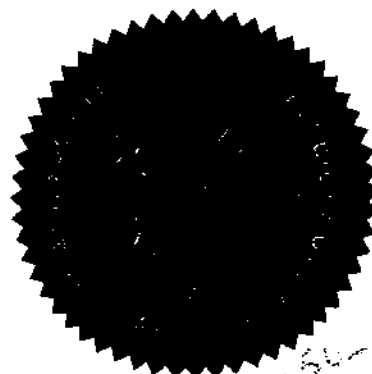
**Motor Cycle Only/Parking Bay**  
**Monday-Saturday 8.00am-6.00pm**

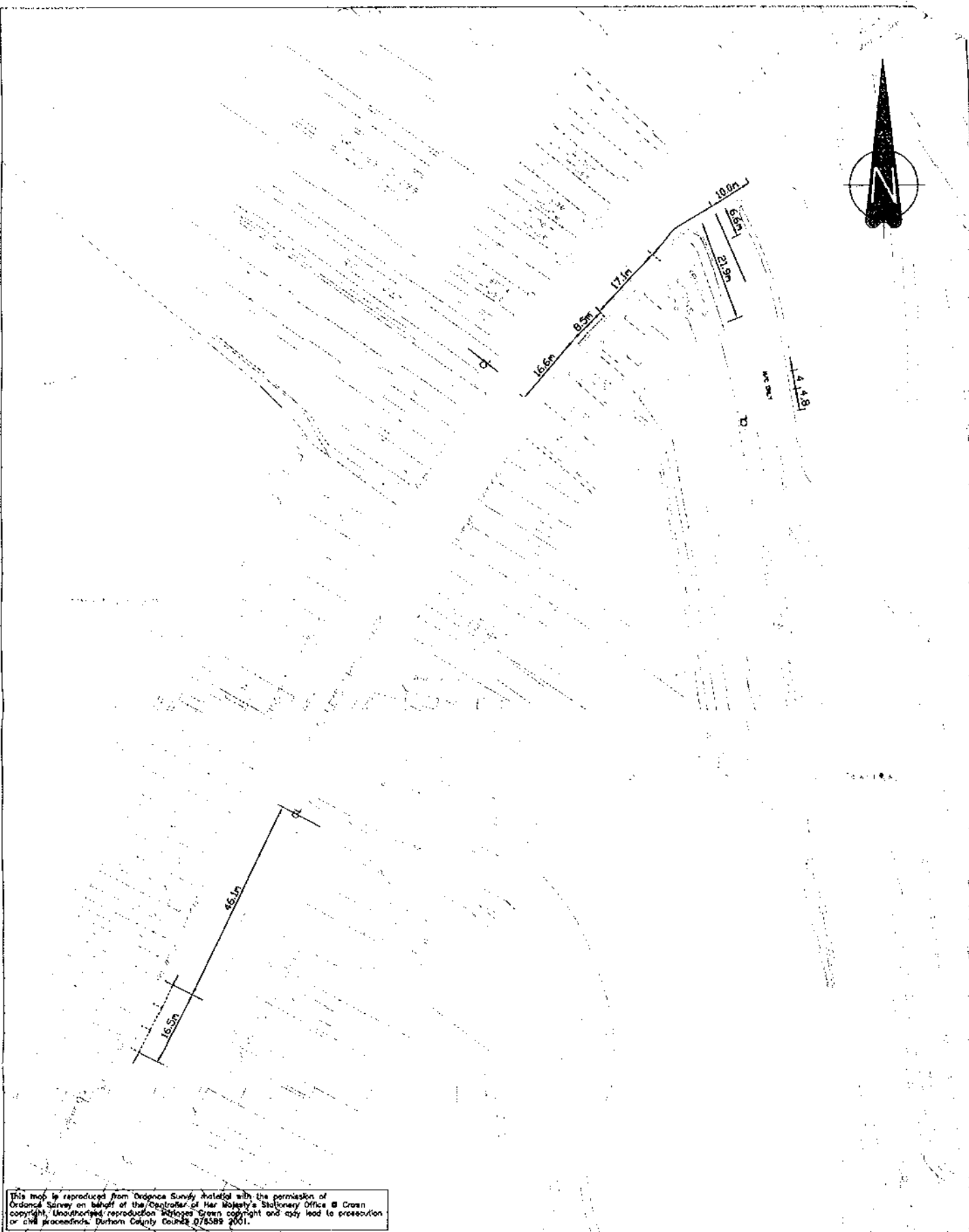
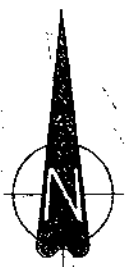
Item No.	Location		Description	Side of Road
1	Nevilles Cross	Unc Darlington Road/Cross View Terrace	From a point 4.8m north west of the centre line of the Unnamed access road to Rear Homer Terrace in a north westerly direction for a distance of 4.0m.	North East

Given under the Common Seal of the County Council of Durham this 20<sup>th</sup> day July 2009.

*David P. Taylor*


Authorised Sealing Officer





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	Name	Date	Name	Date	Sign	
0/-	S.Thompson	1/12/09	B.Leah	1/12/09	[Signature]	



**DURHAM COUNTY COUNCIL**

**HIGHWAY MANAGEMENT SERVICES**

CORPORATE DIRECTOR OF ENVIRONMENT  
COURTY HALL, DURHAM, DH1 5UD

**Project**  
NEVILLES CROSS- TRAFFIC REGULATION ORDER

**Drawing**  
PROHIBITION OF WAITING & LIMITED WAITING TRO

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