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**THE COUNTY COUNCIL OF DURHAM
(DURHAM CITY NORTH ROAD AND CLAYPATH) (EXPERIMENTAL)
(TRAFFIC MANAGEMENT)
ORDER 2009**

The County Council of Durham ("the Council") in exercise of their powers under Sections 9 and 10 of 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 (Durham City North Road and Claypath) (Experimental) (Traffic Management Order) 2009 and shall come into operation on 30 October 2009.

Interpretation

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

"civil enforcement officer" means a person pursuant to the provisions of section 76 of the traffic Management Act 2004, as amended";

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

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

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

"parking bay" means an area of a parking place which is provided for the leaving of vehicles and indicated by markings on the surface of the parking place;

"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;

“parking place” means an area of highway authorised 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 2004, as amended”;

“taxi” has the same meaning as “hackney Carriage” as defined in S 80(1) of the Local Government (miscellaneous Provisions) Act 1996;

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

Part II

Suspensions

3. The parts of the Orders detailed in Schedule 1 of this Order are hereby suspended for the duration of this Order.

Part III

Prohibition of waiting except taxis between the hours of 6.00pm and 8.00am

4. Save as provided in Article 14 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 to wait between the hours of 6pm and 8am on any day on any of the lengths of roads, or sides of lengths of roads specified in Schedule 4 to this Order other than a taxi.

Prohibition of waiting except taxis between the hours of 8.00am and 6.00pm

5. Save as provided in Article 14 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 to wait between the hours of 8 am and 6pm on any day on any of the lengths of roads, or sides of lengths of roads specified in Schedule 5 to this Order other than a taxi.

Prohibition of Waiting and Loading/Unloading at any time

6. Save as provided in Article 14 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 to:

- a. wait , or
- b. wait for the purpose of enabling goods to be loaded onto or unloaded from the vehicle, at any time, on any of the lengths of roads or sides of lengths of roads specified in Schedule 6 to this Order.

No Stopping except Police vehicles At Any Time

7. Save as provided in Article 14 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 to stop at any time on the length of road specified in Schedule 7 to this Order other than a police vehicle.

Prohibition of stopping except taxis between the hours of 11.00pm and 8.00am

8. Save as provided in Article 14 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 to stop between the hours of 11.00pm and 8.00am on any day on any of the lengths of roads or sides of lengths of roads specified in Schedule 8 to this Order, other than a taxi.

Prohibition of waiting and loading/unloading between the hours of 8.00am and 11.00pm

9. Save as provided in Article 14 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 to:
 - a. wait , or
 - b. wait for the purpose of enabling goods to be loaded onto or unloaded from the vehicle between the hours of 8.00 a.m. and 11.00 p.m. on any day on any of the lengths of roads or sides of lengths of roads specified in Schedule 9 to this Order.

Part IV

Disabled Persons Parking Places

10. (1) The areas of highway described Schedule 3 to this Order are hereby authorised as parking places.
- (2) Each parking place authorised under paragraph (1) of this Article may be used only by vehicles which display in the relevant position a disabled person's badge and 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 such days and during such hours as may be specified in Schedule 3 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 the maximum number of parking bays shall be specified in Schedule 3 to this Order.

- (4) The driver of a disabled person's vehicle 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 specified in Schedule 3 to this Order or to return within the period also specified in that Schedule.

Loading Bays

11. (1) The areas of highway described in Schedule 2 to this Order are hereby authorised to be used as loading bays, subject to the provisions of this Order, for the waiting of vehicles for the purpose of loading or unloading goods on any day only between the hours of 8.00 a.m. and 6.00 p.m.
- (2) This limits of each loading bay shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.
- (3) Every vehicle using a loading bay shall so stand so that every part of the vehicle is wholly within the loading bay.

Manner of Standing in Parking Places and Loading Bays

12. (1) Any vehicle left in a parking place or loading bay, specified in Articles 10 & 11 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 or parking bay within a parking place AND in those cases in which special provision is made in Schedules 2 and 3 to this Order, in accordance with those provisions.
- (2) Where a vehicle has been left in a parking place or loading bay, referred to in paragraph (1) of this Article, is to long to comply with the provisions of that paragraph such vehicle shall be deemed to be within the limits of the parking place or loading bay if:-
 - (a) the extreme front or rear portion of the vehicle is within 300 mm of the carriageway indication provided under paragraph (3) or (2) of Articles 10 or 11 of this Order;
 - (b) the vehicle, or any part of it, is not within the limits of any adjoining parking bay.

Power to suspend Parking Places and Loading Bays

13. (1) Any person authorised by the Council may suspend the use of a parking place or loading bay 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 loading bay or the maintenance, improvement or reconstruction of the parking place or loading by 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 or loading bay 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 loading bay 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 loading bay 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 loading bay, 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 loading bay or any part thereof, during such period as there is placed in or adjacent to the parking place or loading bay, 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 loading bay or part thereof, which is suspended, with the permission of the person suspending the parking place or loading bay or part thereof, in pursuance of paragraph (1) or (2) of this Article.

(5) No person shall use a parking place or loading bay in connection with the sale of any article to persons in or near the parking place or loading bay or in connection with the selling or offering for hire of their skills or services.

Part VI

Exemptions

14. (1) Nothing in Articles 4, 5, 6, 7, 8, 9, 10, or 11 of this Order shall render it unlawful to cause or permit any vehicle to wait or stop 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, demolition or excavation;
 - (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;
 - (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.
 - (d) a bullion vehicle being used for the purpose of delivering or collecting bullion.
- (2) Nothing in Articles 4, 5, 6, 7, 8, 9, 10, or 11 of this Order shall apply to a liveried vehicle being used for police, fire brigade or ambulance purposes in pursuance of statutory duties.
- (3) Nothing in Articles 4 or 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 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).
- (4) Nothing in Articles 4, 5, 6, 7, 8, 10 or 11 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 this Order for so long as may be necessary to enable the picking up or setting down of passengers.

PART VII

Contravention and Enforcement

15. If a vehicle is in contravention of any provision of this Order a penalty charge shall be payable.
16. 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.

PART VIII

Saving

17. 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.
18. 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 IX

Authority to modify or suspend restrictions

19. The Council's Corporate Director of Regeneration and Economic Development is hereby authorised, after consultation with the Chief Officer of Police, to modify or suspend the operation of this Order or any provision of it if it appears to him essential:-
 - a. In the interests of the expeditious, convenient and safe movement of traffic; or
 - b. For preserving or improving the amenities of the area through which any road affected by the Order runs.

Schedule 1 Orders to be suspended in part

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| 1 | The County of Durham (Durham City District) (Traffic Management) Order 2009. Schedule 7. | 1/103 |
| 2 | The County Council of Durham (Durham City North East) (Traffic Management) Order 2002. Schedules 5, 6 and 7. | 3/35 |

3. The County Council Of Durham (Durham City South West) Traffic Management) Order 2008 Schedule 10, Schedule 12, items 2 and 3, Schedule 13, item 1 and Schedule 15.

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Schedule 2
Loading/Unloading only between the hours of 8am and 6pm

Item No	Location		Side of Road	Description
1	Durham	Unc. North Road	South West	From a point 52m south east of the centre line of Unc. Neville Street in a south easterly direction for a distance of 53m
2	Durham	Unc. North Road	South West	From a point 6m south east of the centre line of Unc. Neville Street in a south easterly direction for a distance of 38m
3	Durham	Unc. North Road	South West	From a point 50.4m south east of its junction with A690 Through Road (Junction Line) in a south easterly direction for 16m
4	Durham	Unc. North Road	South West	From a point 4m north west of the centre line of Neville Street in a north westerly direction for a distance of 12.8m
5	Durham	Unc 27.6 Claypath	South East	From a point 36.8m south west of the centre line of Providence Row in a south westerly direction for a distance of 11.4m.
6	Durham	Unc 27.6 Claypath	South East	From a point 52.1m south west of the centre line of Providence Row in a south westerly direction for a distance of 11.7m.
7	Durham	Unc 27.6 Claypath	South East	From a point 81.2m south west of the centre line with Providence Row in a south westerly direction for a distance of 21m.

Schedule 3
Disabled Parking Only 8am – 6pm
Waiting Limited to 1 hour and no return that day

Item No	Location		Side of Road	Description
1	Durham	Unc. North Road	South West (2 spaces parallel to kerb)	From a point 37.2m south east of its junction with A690 Through Road (Junction Line) in a south easterly direction for a distance of 13.2m
2	Durham	Unc 27.6 Claypath	South East (2 spaces parallel to kerb)	From a point 102.3m south west of the centre line of Providence Row in a south westerly direction for a distance of 13.2m.

Schedule 4
Prohibition of Waiting Except Taxis between the hours of 6pm and 8am

Item No	Location		Side of Road	Description
1	Durham	Unc. North Road	South West	From a point 4m north west of the centre line of Unc. Neville Street in a north westerly direction for a distance of 12.8m
2	Durham	Unc. North Road	South West	From a point 6m south east of the centre line of Unc. Neville Street in a south easterly direction for a distance of 38m
3	Durham	Unc. North Road	South West	From a point 52m south east of the centre line of Unc. Neville Street in a south easterly direction for a distance of 53m
4	Durham	Unc. North Road	South West	From a point 37.2m south east of its junction with A690 Through Road (Junction Line) in a south easterly direction for a distance of 29.2m
5	Durham	Unc 27.6 Claypath	South East	From a point 36.8m south west of the centre line of Providence Row in a south westerly direction for a distance of 11.4m.
6	Durham	Unc 27.6 Claypath	South East	From a point 52.1m south west of the centre line of Providence Row in a south westerly direction for a distance of 11.7m.
7	Durham	Unc 27.6 Claypath	South East	From a point 81.2m south west of the centre line of Providence Row in a south westerly direction for a distance of 34.3m.

Schedule 5
Prohibition of Waiting At Any Time Except for Taxis 8am and 6pm

Item No	Location		Side of Road	Description
1	Durham	North Road	North East	From a point 9.4m north west of the junction line with Unc 27.6 Silver Street (Framwellgate Bridge) in a north westerly direction for a distance of 49m.

**Schedule 6
Prohibition of Waiting/Loading At Any Time**

Item No	Location		Side of Road	Description
1	Durham	A690 one way slip road leading to the junction with Claypath	North	From a point 18.0m north west of its junction line with Claypath in a north westerly direction for a distance of 30.0m

**Schedule 7
No Stopping except Police Vehicles At Any Time**

Item No	Location		Side of Road	Description
1	Durham	North Road	South	From a point 66.4m south east of the junction with A690 Through Road (Junction Line) in a south easterly direction for 9.75m

**Schedule 8
Prohibition of Stopping Except Taxis
between the hours of 11pm and 8am**

Item No	Location		Side of Road	Description
11	Durham	Unc. 27.6 Claypath	South East	From a point 115.5m south west of the centre line of Providence Row in a south westerly direction for a distance of 26.24m.

**Schedule 9
Prohibition of Waiting and Loading/Unloading between the hours of 8am and 11pm**

Item No	Location		Side of Road	Description
1	Durham	Unc. 27.6 Claypath	South East	From a point 115.5m south west of the centre line of Providence Row in a south westerly direction for a distance of 26.25m.

Given under the Common Seal of the Council this 29th day of October 2009.