

**THE COUNTY COUNCIL OF DURHAM  
(ESH WINNING, ESH VILLAGE, USHAW MOOR, BEARPARK,  
NEW BRANCEPETH AND WITTON GILBERT)  
(PARKING AND WAITING RESTRICTIONS)  
ORDER 2013**

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 (Esh Winning, Esh Village, Ushaw Moor, Bearpark, New Brancepeth and Witton Gilbert) (Parking and Waiting Restrictions) Order 2013 and shall come into operation on 18 November 2013.

**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);

"driver" in relation to a vehicle parked in a parking place means the person driving or riding the vehicle at the time it was left in the parking place;

"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 & rescue service or ambulance vehicle;

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

"loading place" means an area on a highway where vehicles may be drive and parked for the purpose of being loaded or unloaded in connection with a trade or business carried on, on or in the vicinity of the land, as defined by Section 161 of the Act;

"motor cycle" has the same meaning as defined by Section 136 of the Act;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, as defined 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 contravention" has the same meaning assigned to it by Section 73 and Part 1 of Schedule 7 to the Traffic Management Act 2004.

"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 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

"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

"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**

### **Revocation**

6. The following Orders shall be revoked/part revoked to the extent that the contents be consolidated and the provisions therein re-enacted within this Order:

#### **Orders to be revoked in full:**

The County Council of Durham (Bearpark, Ushaw Moor, Esh Winning and Langley Park) (Traffic Management) Order 2008

59.  
(120/13 h)

The County Council of Durham (Ushaw Moor) (Prohibition of Waiting at Any Time) Order 2009

12p.

The County Council of Durham (Ushaw Moor) (Prohibition & Restriction of Waiting) Order 2011

12q

The County Council of Durham (Esh Winning) (Prohibition of Stopping) Order 2012

5j

**Orders to be revoked in part:**

The County Council of Durham (City of Durham District) (Traffic Management Order) Order 2008:-

1/95.

Schedule 1 Item Nos 8, 10, 17i, 17ii, 17iii, 24i, 24ii, 28i, 28ii and 30;  
Schedule 2 Item No. 4i, 4ii and 11.

The County Council of Durham (B6302/Unclassified Durham Road, Esh Winning) (Prohibition of Driving and No Waiting at Any Time) Order 2007:-

5p.

Schedule A.

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

D. 3/160.

Schedule 1 - Esh C of E (Aided) Primary School.

**Part III  
WAITING & LOADING**

**Prohibition of Waiting At Any Time**

7. Save as provided in Article 17 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 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.

**Restricted Waiting and Loading/Unloading**

8. Save as provided in Article 17 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:
- a. wait, or
  - b. wait for the purpose of enabling goods to be loaded onto or unloaded from the vehicle, on any of the lengths of roads or sides of lengths of roads on such days and during such times as identified within the individual plan(s) detailed in Schedule 2 to this Order.

**Restricted Waiting**

9. Save as provided in Article 17 of this Order no person shall, except upon the direction or with the permission of a civil enforcement officer or a civil enforcement officer, cause or permit any vehicle, other than those vehicles so authorised in this Order, to wait on any of the lengths of roads or sides of lengths of roads on such days and during such times as identified within the individual plan(s) detailed in Schedule 3 to this Order.

**Part IV  
NO STOPPING**

**No Stopping on Entrance Markings**

10. Save as provided in Article 17 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 the lengths of roads or sides of lengths of roads identified in the individual plan(s) detailed in Schedule 4 to this Order.

**Part V  
PARKING PLACES**

**Parking Places**

11. (1) The areas of highway identified within the individual plans detailed in Schedule 5 to this Order are hereby designated as parking places.
- (2) Each parking place identified within the individual plan(s) detailed in Schedule 5 to this order, authorised under paragraph (1) of this Article may be used for the leaving of motor vehicles and motor cycles of a type specified within the individual plan(s) detailed in that Schedule in on such days and during such times as identified.
- (3) Save as provided in Article 17 of this Order no person shall cause or permit any vehicle, other than a vehicle so authorised under this Article, to be left in a parking bay or parking place on such days and during such hours identified in the individual plan (s) detailed in Schedule 5 to this Order.
- (4) 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 as identified within the individual plan(s) detailed in Schedule 5 to this Order.
- (5) 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(s) or to return within the period also specified those plans.

**Part VI  
PARKING PLACES & PARKING BAYS WITHOUT METERS – GENERAL**

**Designation and use of Parking Bays**

12. The areas of highway identified in Article 11 to this Order are hereby designated as parking bays.
- (1) Each parking bay identified within the individual plan(s) detailed in Schedule 5 to this Order, authorised under paragraph (1) of this Article, may only be used for the leaving of those motor vehicles and motor cycles so authorised by this Order on such days and during such hours as identified within the individual plan(s) detailed in Schedule 5 to this Order
- (2) The limits of each parking bay shall be indicated, by the Council, on the carriageway by the appropriate traffic signs.

### **Manner of Standing in Parking Places**

13. (1) Every vehicle left in a parking place, identified in within the individual plans detailed in Article 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.
- (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 carriageway indication provided under paragraph (4) of Article 11 of this Order;
  - (b) the vehicle, or any part of it, is not within the limits of any adjoining parking place or loading bay.

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

14. (1) No person shall cause or permit any vehicle, other than the permitted classes of vehicles, to use the parking places or parking bays identified in Article 11 or as specified in Schedule 5 to this order;
- (2) Every vehicle left in a parking place or parking bay, specified in Article 11 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;
- (3) No person shall cause or permit any vehicle to wait or park in a parking bay 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;

### **Power to Suspend Parking Places**

15. (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 or loading bay 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 at times of weddings, funerals or on other special occasions.
- (2) A civil 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 or part thereof 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**

- 16. (1) If a vehicle is left within a parking place 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 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 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.
- (4) If an emergency occurs, the Council or a police officer in uniform 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 he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

## **Part VII**

### **Exemptions**

17. (1) Nothing in Articles 7, 8, 9, 10 or 11 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 11 of this Order shall apply to any liveried vehicle being used for police, fire brigade or ambulance purposes in pursuance of statutory duties.
- (3) Nothing in Articles 7, 9, and 11 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 Articles 8 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 the picking up or setting down of passengers.
- (5) Nothing in Articles 7, 9 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 therein for so long as may be necessary to enable:



- (a) the picking up or setting down of passengers;
- (b) goods to be loaded onto or unloaded from the vehicle;

#### **Part VIII**

#### **Contravention and Enforcement**

- 18. If a vehicle is in contravention of a provision of this Order a penalty charge shall be payable.
- 19. 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 IX**

#### **Saving**

- 20. 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.
- 21. 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 reference number	Item No	Plan reference number	Item No	Plan reference number
1	DI137	2	DP139	3	DQ138
4	DQ141	5	DQ151	6	DR141

#### **Schedule 2 Restricted Waiting and Loading/Unloading**

Item No	Plan reference number	Item No	Plan reference number
1	DO135	2	DQ141

#### **Schedule 3 Restricted Waiting**

Item No	Plan reference number
1	DH136



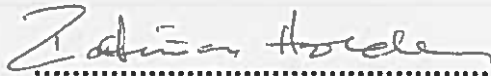
**Schedule 4**  
**No Stopping on Entrance Markings**

Item No	Plan reference number	Item No	Plan reference number	Item No	Plan reference number
1	DH135	2	DH137	3	DI137
4	DI144	5	DP139	6	DQ141
7	DQ151				

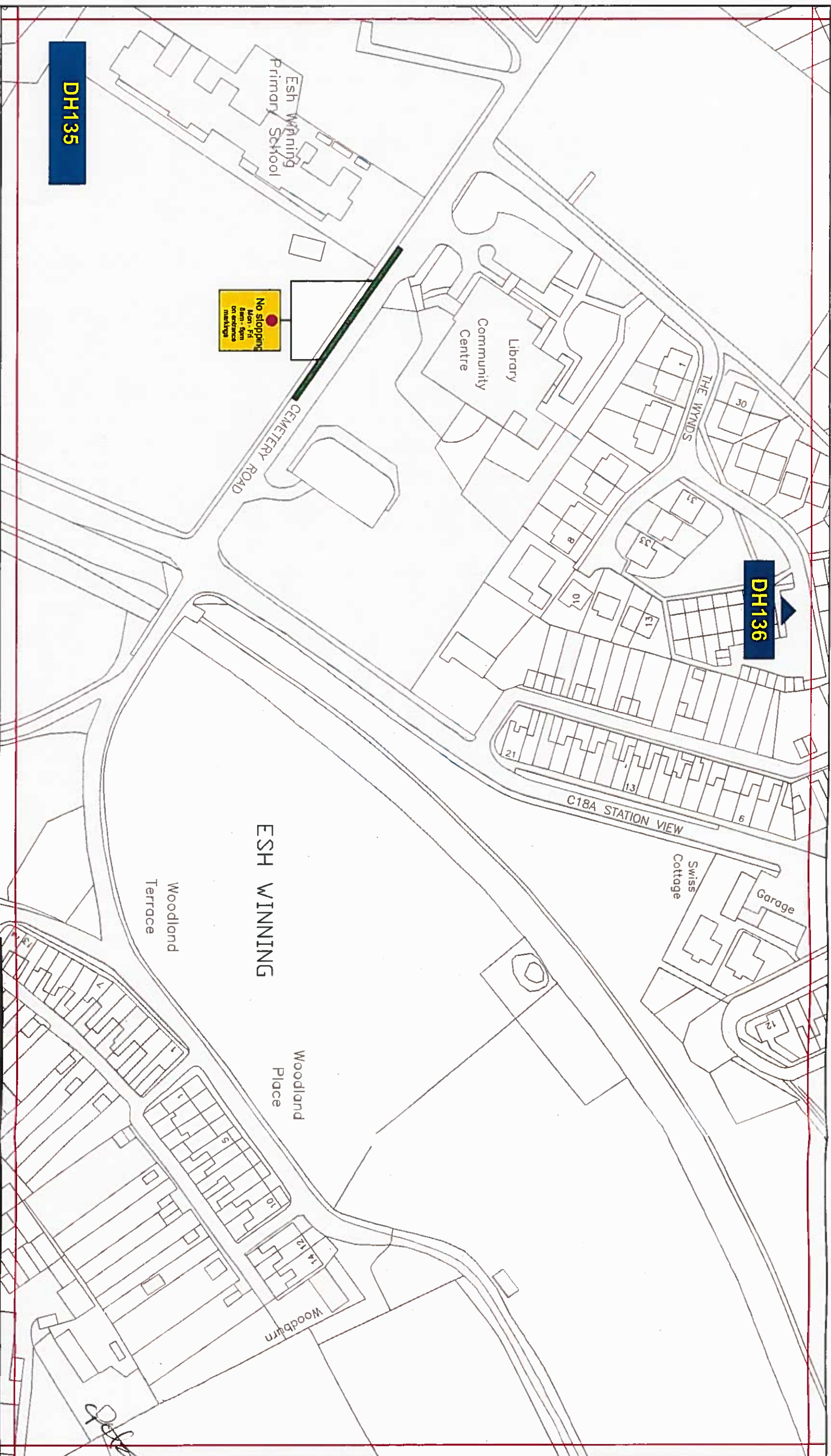
**Schedule 5**  
**Parking Places (Restricted Bays)**

Item No	Plan reference number
1	DP139

**GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM ON  
7 NOVEMBER 2013**

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

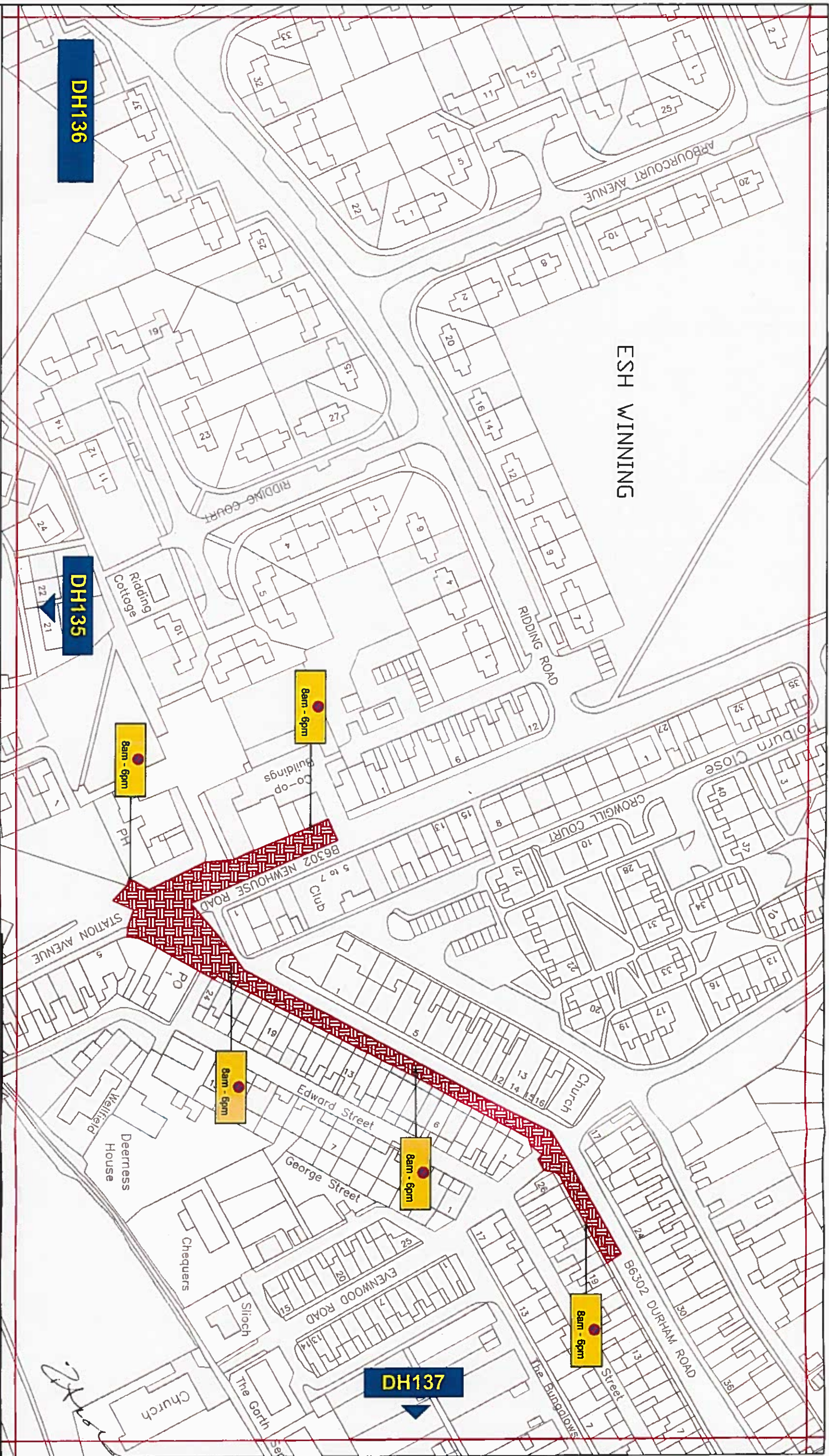




Key to Types of Restriction

- No Stopping
- XXXXXX Individual reference number





ESH WINNING

## Key to Types of Restriction



Restricted Waiting

XXXXX

Individual reference number



Corporate Director  
Regeneration & Economic  
Development

Strategic Traffic Management

County Hall, Durham DH1 5UQ

THE COUNTY COUNCIL OF DURHAM  
ESH WINNING, ESH VILLAGE, USHAW MOOR,  
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PARKING AND WAITING RESTRICTIONS

Scale: 1:1250 @ A3

Date: July 2013

Drawn by: R. Smith

Date Sealed: 7/11/13

Signature:

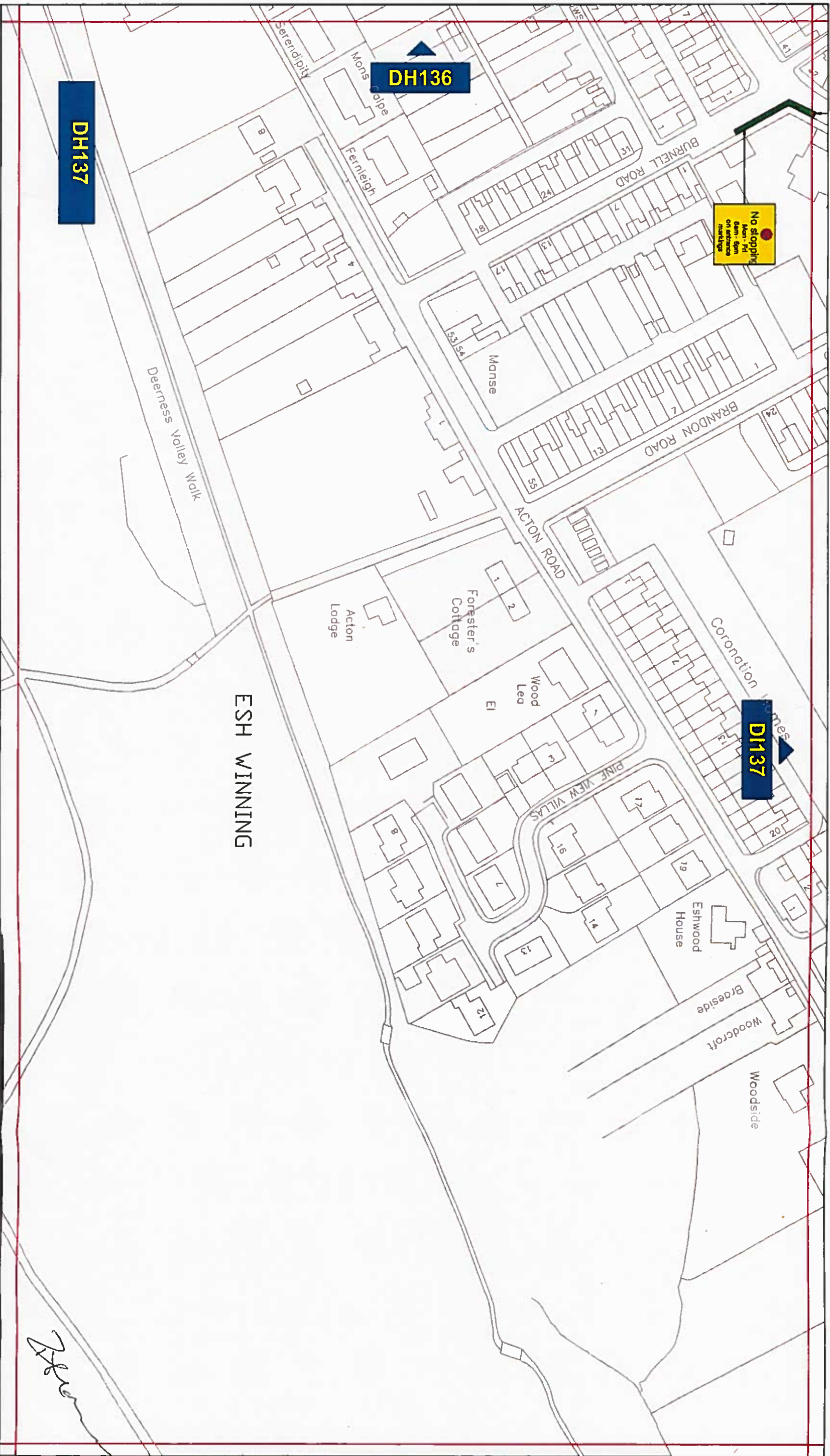
Map Schedule:

DH136

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# Key to Types of Restriction



No Stopping

XXXXXX

Individual reference number

DH136

DH137

DH137



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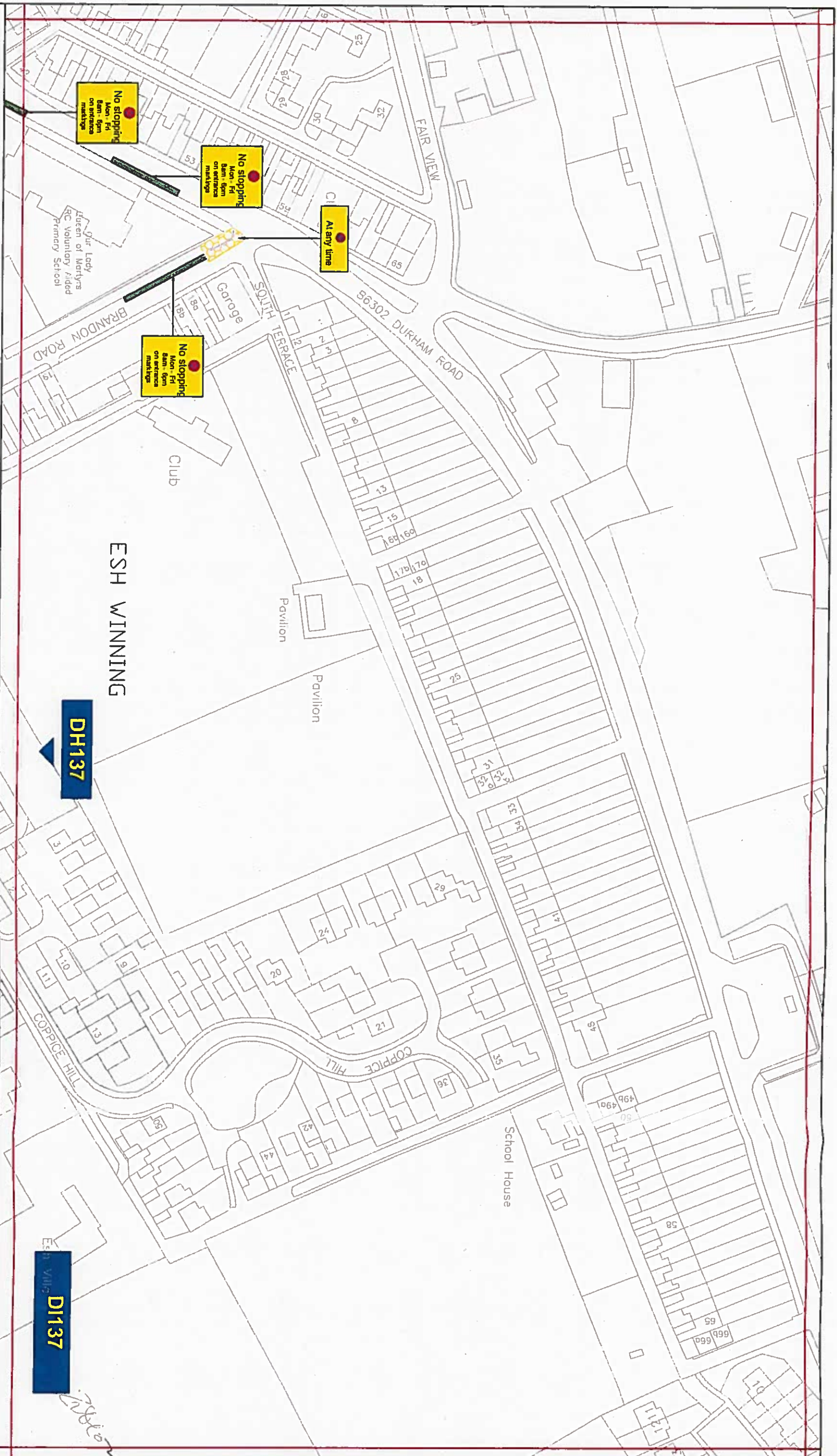
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PARKING AND WAITING RESTRICTIONS



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# Key to Types of Restriction

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





## Key to Types of Restriction

-  No Stopping
-  XXXXX Individual reference number

D1144

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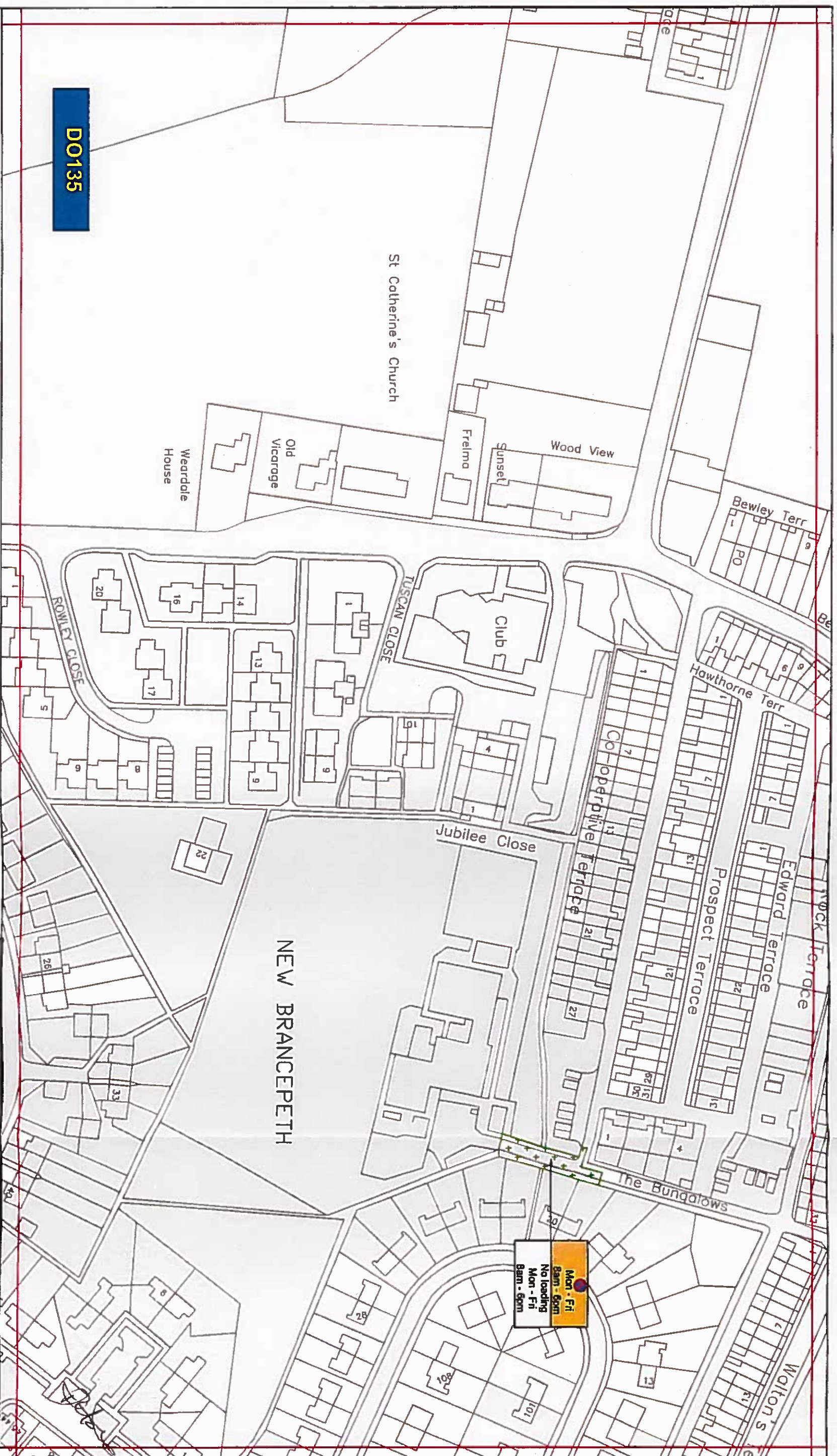
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Regeneration & Economic  
Development  
Strategic Traffic Management  
County Hall, Durham DH1 5UQ

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Map Schedule:	D1144





# Key to Types of Restriction

-  Restricted Waiting and loading
-  Individual reference number

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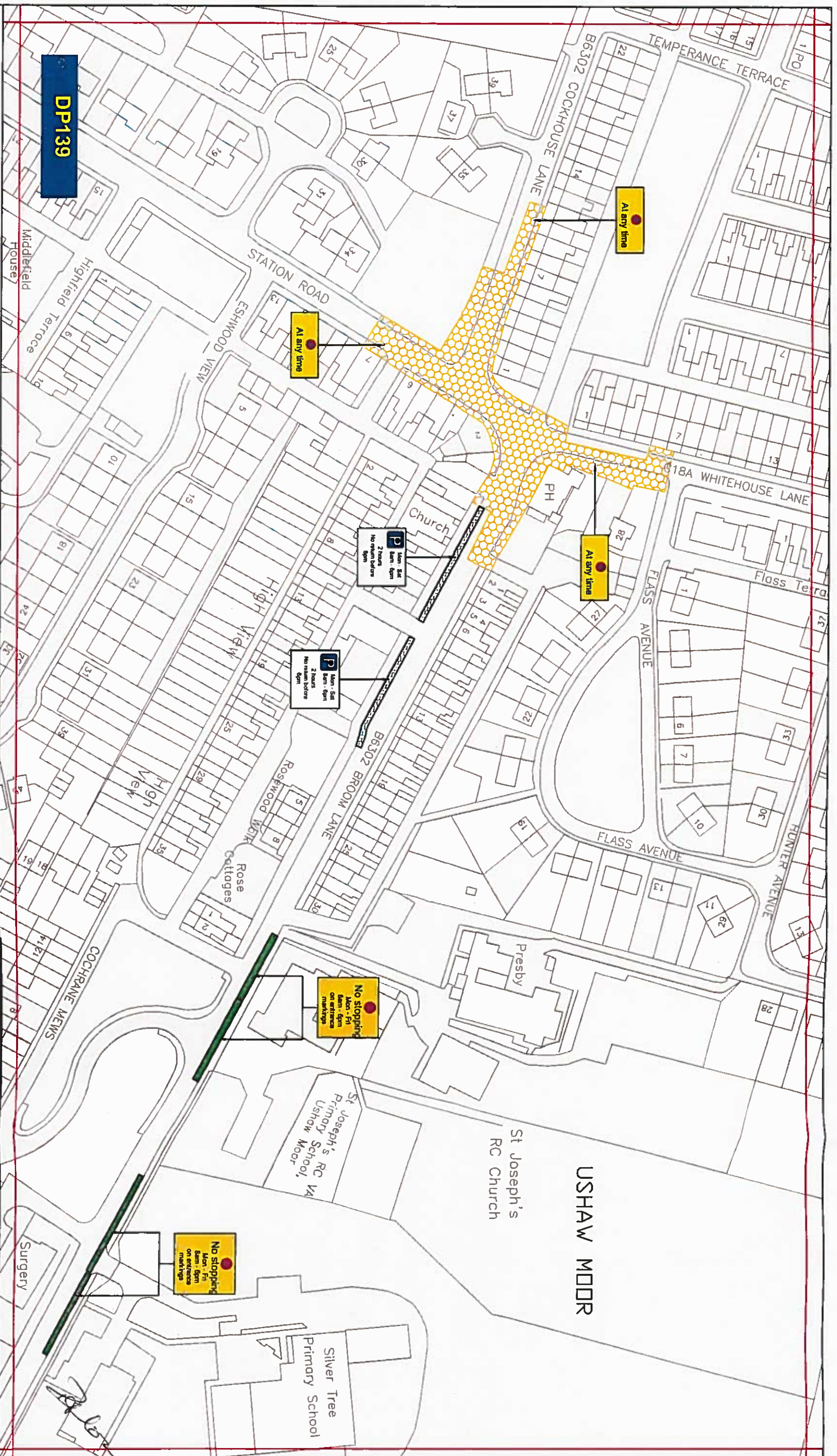


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Development  
Strategic Traffic Management  
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PARKING AND WAITING RESTRICTIONS

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## Key to Types of Restriction

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

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Map Schedule:	DP139





DQ138

# Key to Types of Restriction

- No Waiting At Any Time
- XXXXXX Individual reference number



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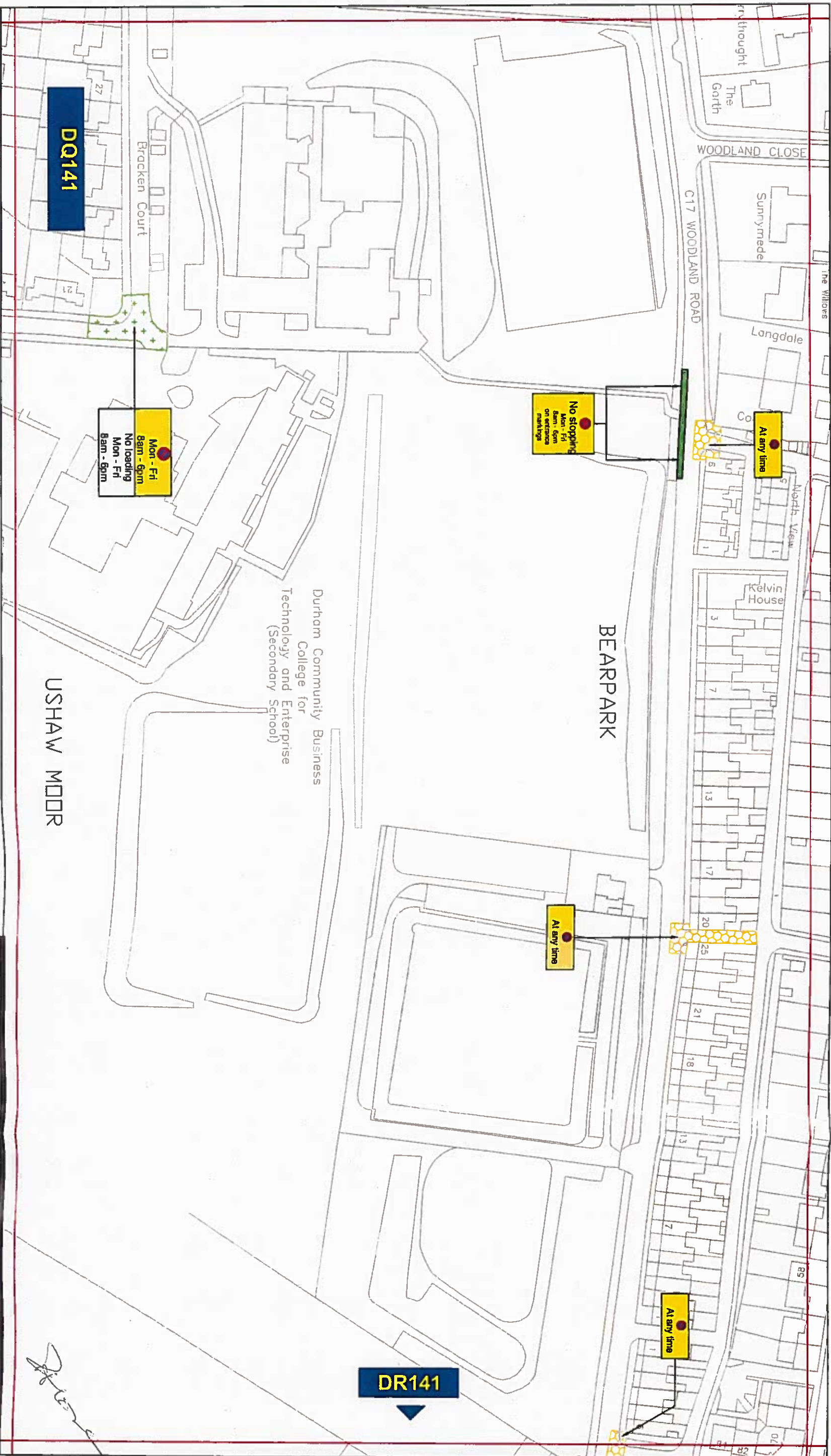
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PARKING AND WAITING RESTRICTIONS



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Map Schedule:	DQ138





Key to Types of Restriction

- No Waiting At Any Time
- Restricted Waiting and loading
- No Stopping
- Individual reference number





## Key to Types of Restriction



No Waiting At Any Time



Individual reference number

DQ141

DR141

At any time

At any time

BEARPARK



Corporate Director  
Regeneration & Economic  
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Strategic Traffic Management

County Hall, Durham DH1 5UQ

THE COUNTY COUNCIL OF DURHAM  
ESH WINNING, ESH VILLAGE, USHAW MOOR,  
BEARPARK, NEW BRANCEPETH AND WITTON GILBERT  
PARKING AND WAITING RESTRICTIONS

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July 2013

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R. Smith

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DR141

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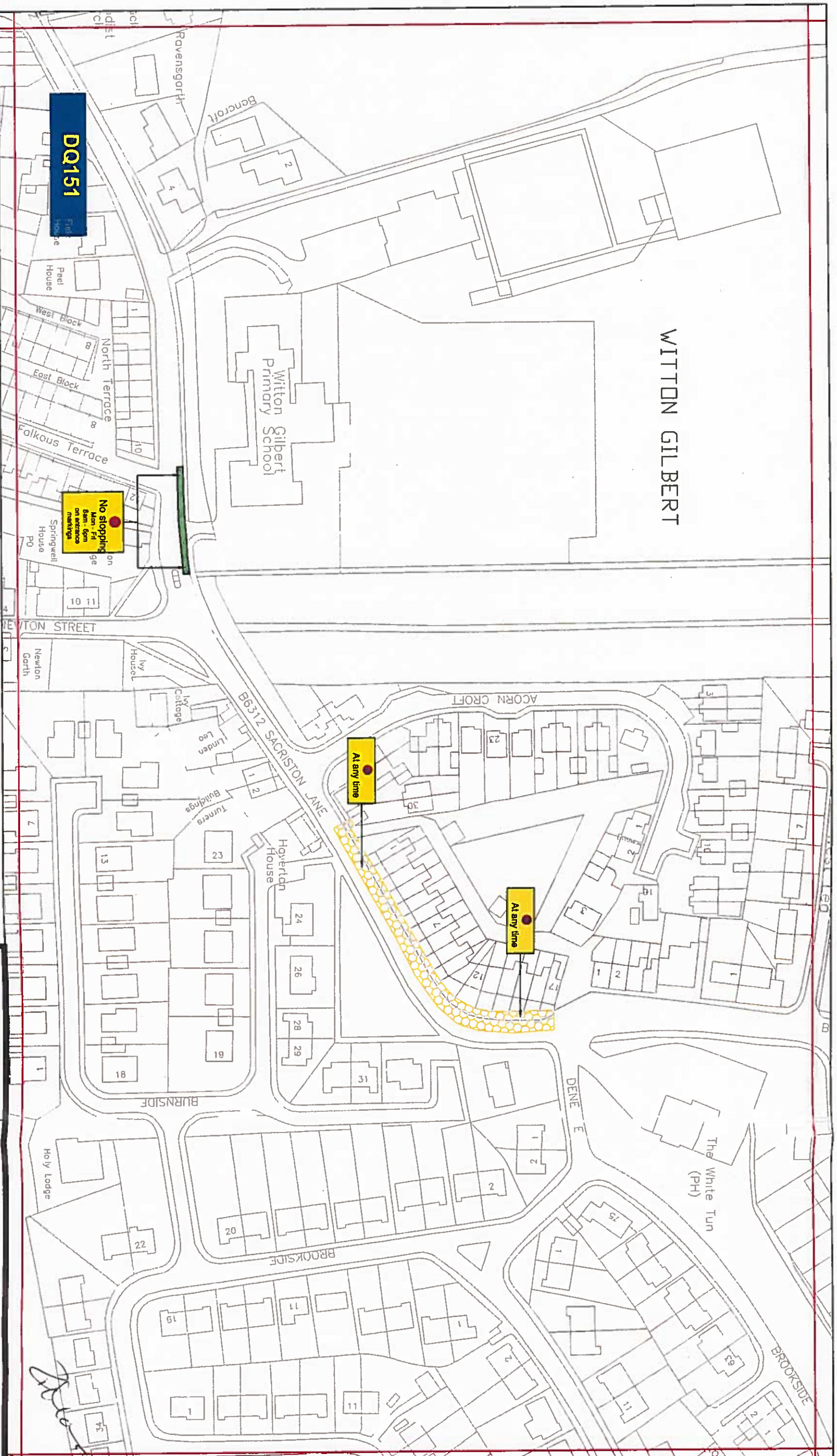
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- No Stopping
- Individual reference number

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Strategic Traffic Management

County Hall, Durham DH1 5UQ

THE COUNTY COUNCIL OF DURHAM  
ESH WINNING, ESH VILLAGE, USHAW MOOR,  
BEARPARK, NEW BRANCEPETH AND WITTON GILBERT  
PARKING AND WAITING RESTRICTIONS



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