

**THE COUNTY COUNCIL OF DURHAM
(PETERLEE AND HORDEN)
(PROHIBITION AND RESTRICTION OF WAITING AND PROHIBITION OF
LOADING/UNLOADING) (AMENDMENT No. 1)
ORDER 2013**

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 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 (Peterlee and Horden) (Prohibition and Restriction of Waiting and Prohibition of Loading/Unloading (Amendment No. 1) Order 2013 and shall come into operation on 16 September 2013.

Part II

Amendments

2. (a) The Masterplan dated 22 March 2012 has been removed and all references to this within the Interpretation and Articles have been deleted.

- (b) **INTERPRETATIONS** – the following interpretations have been inserted:

"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;

"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;

"parking bay" and "parking place" means an area of highway designed as such under the provisions of this Order;

"penalty charge" means a charge set by the 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;

- (c) **ARTICLES**

Article 4 – the wording of this article has been revised and now reads:

Prohibition of Waiting At Any Time

Save as provided in Article 13 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, other than those vehicles so authorised in this Order, 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.

Article 5 – reference to Article 10 within this Article has been deleted and reference to Article 13 inserted. Reference to “civil enforcement officer has been included.

Article 6 – the wording of this Article has been revised and now reads:

Restricted Waiting and Loading

Save as provided in Article 13 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, 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 specified within the individual plans detailed in Schedule 3 to this Order.

Article 7 – the wording of this Article has been revised and now reads:

Restricted Waiting

Save as provided in Article 13 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, other than those vehicles so authorised in this Order, to wait on such days and during such hours, on any of the lengths of roads or sides of lengths of roads identified within the individual plans detailed in Schedule 4 to this Order.

Articles 8 and 9 – the existing Articles have been removed and the plans /restrictions incorporated within Articles 7 and 4 and Schedules 4 and 1 respectively.

Article 8: A new Article 8 has been inserted which reads:

Prohibition of Stopping on Entrance Markings

Save as provided in Article 15 of this Order no person shall, except upon the direction of 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 on such days and during such hours as identified within the individual plan(s) detailed in Schedule 5 to this Order.

Article 9: A new Article 9 has been inserted which reads:

Parking Places (Restricted Bays)

- (1) The areas of highway identified within the individual plans detailed in Schedule 6 to this Order are hereby designated as parking places.
- (2) Each parking place identified within the individual plan(s) detailed in Schedule 6 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) 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 identified within the individual plans detailed in Schedule 6 to this Order.
- (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 plans or to return within the period also specified those plans.

Article 10 – a new Article 10 has been inserted which reads:

Manner of Standing in Parking Places

- (1) Every vehicle left in a parking place, identified in within the individual plans detailed in Article 9 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 to 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 (3) of Article 9 of this Order;
 - (b) the vehicle, or any part of it, is not within the limits of any adjoining parking place.

Article 11 - a new Article 11 has been inserted which reads:

Power to Suspend Parking Places

- (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, 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 loading bay or part thereof, in pursuance of paragraph (1) or (2) of this Article.

- (3) 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.

Article 12 - a new Article 12 has been inserted which reads:

Relocation and Removal of Vehicles and Other Equipment

- (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 in 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.

Article 13 - Exemptions (previously Article 10) – the following insertions/deletions have been made:

Sub article (2): (i) reference to the fire **brigade** has been removed and reference to fire & **rescue service** has been inserted

Sub articles (3) and (5) – reference to Article 8 has been removed.

Article 14 – the following new Article 14 has been inserted, which reads:

Contravention and Enforcement

- (1) If a vehicle is in contravention of a provision of this Order a penalty charge shall be payable.
- (2) 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.

(d) **SCHEDULES**

The following amendments have been made to the Schedules:

Schedule 1 – plans reference EX130, EY130 and EY132 have been removed and plans of the same reference [seal dated 5.9.13] have been inserted. New plan references EZ128 and EZ129 [seal dated 5.9.13] have been inserted.

Schedule 2 - New plan references EY128 and EZ128 [seal dated 5.9.13] have been inserted.

Schedule 3 – the title of this Schedule has been amended to read:

“Restricted Waiting and Loading”

Schedule 4 – This incorporates the previous Articles 4 and 5

The title of this Schedule has been amended to read: “Restricted Waiting”.

Plan references EZ127 [seal dated 5.9.13] and EZ128 [seal dated 5.9.13] have been inserted.

Schedule 5 - a new Schedule 5 has been inserted, which reads:

Schedule 5
Prohibition of Stopping on Entrance Markings

Plan reference number: EZ128 [seal dated 5.9.13]

Schedule 6 – a new Schedule 6 has been inserted, which reads:

**Schedule 6
Parking Places (Restricted Bays)**

Plan reference numbers: EZ127 [seal dated 5.9.13] and EZ128 [seal dated 5.9.13]

Part VI

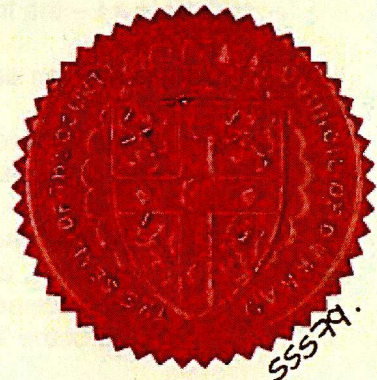
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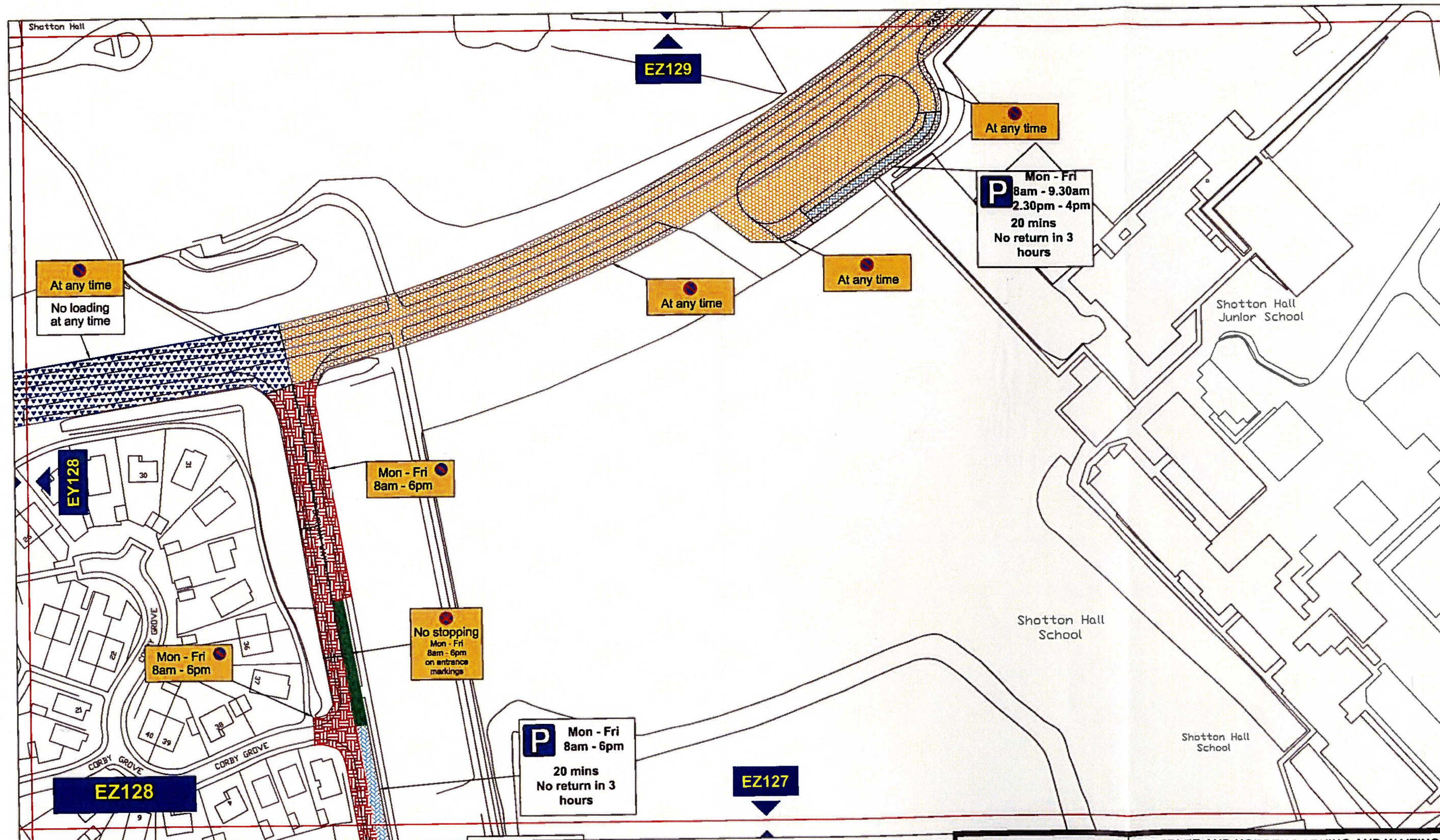
6. In so far as any provision of this Order conflicts with any provision which is contained in an Order made or having effect as if made under the Act or by or under any other enactment then the provisions of this Order shall prevail.
7. The prohibitions and restrictions imposed by this Order shall be 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.

**GIVEN UNDER THE COMMON SEAL)
OF THE COUNTY COUNCIL OF DURHAM)
ON 5 SEPTEMBER 2013)**



.....
Authorised Sealing Officer





Key to Types of Restriction

	No Waiting At Any Time		Restricted Waiting
	No Waiting and No Loading/Unloading At Any Time		Restricted Bay
	No Stopping		

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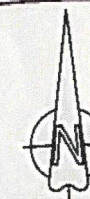
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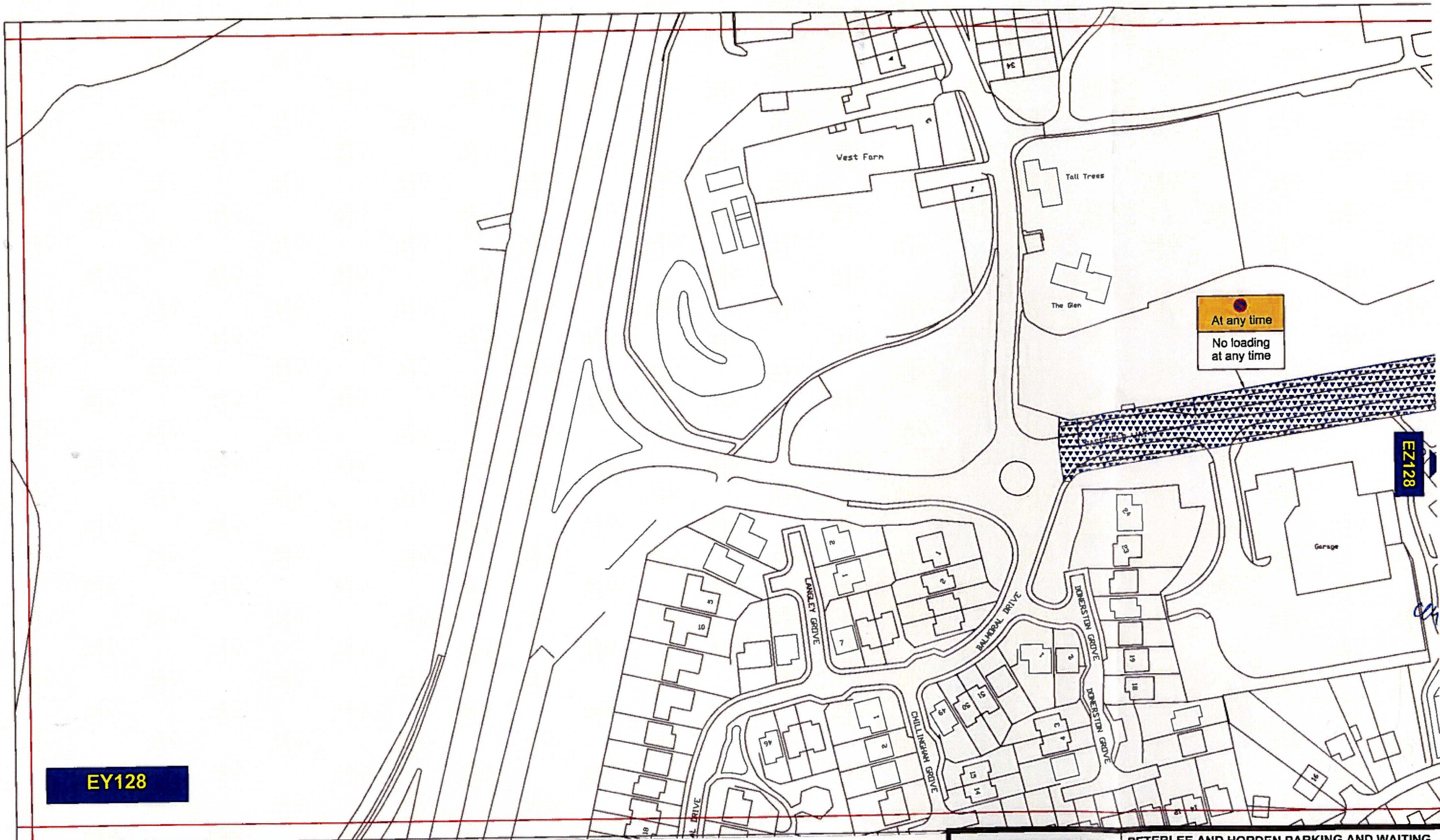
Corporate Director
Regeneration & Economic
Development

Strategic Traffic Management
County Hall, Durham DH1 5UQ

PETERLEE AND HORDEN PARKING AND WAITING RESTRICTIONS



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Date:	03/13		
Drawn by:	A.Gleason	Signature:	
Date Sealed:	5/9/13	Map Schedule:	EZ128



Key to Types of Restriction



No Waiting and No Loading/Unloading At Any Time

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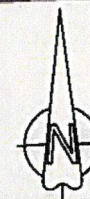
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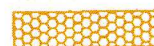
PETERLEE AND HORDEN PARKING AND WAITING RESTRICTIONS



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Drawn by:	A.Gleason	Signature:	<i>AG</i>
Date Sealed:	5/9/13	Map Schedule:	EY128



Key to Types of Restriction

 No Waiting At Any Time

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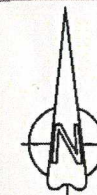
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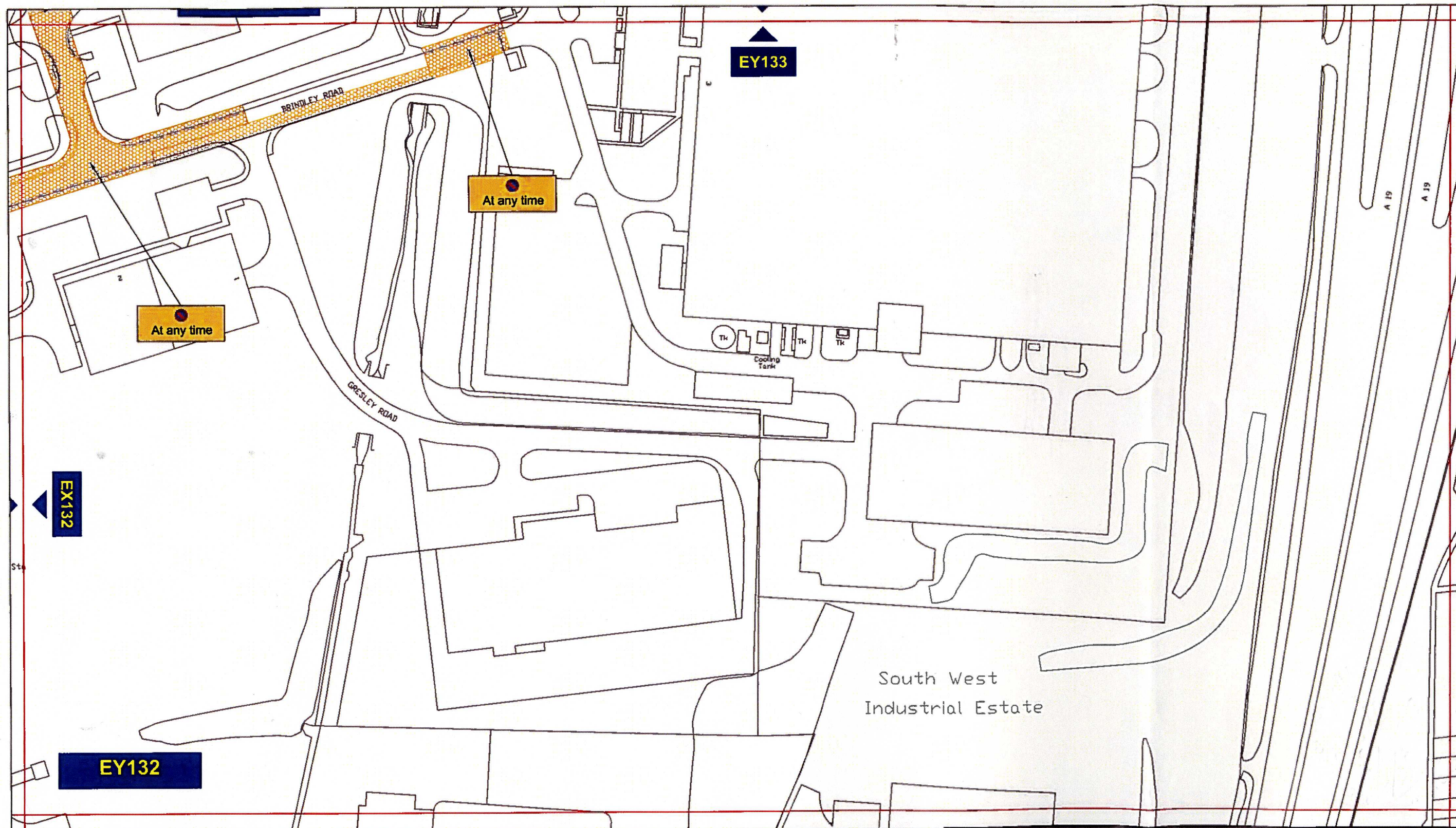
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Date Sealed:	5/9/13	Map Schedule:	EZ129



Key to Types of Restriction

 No Waiting At Any Time

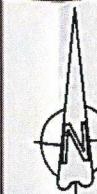
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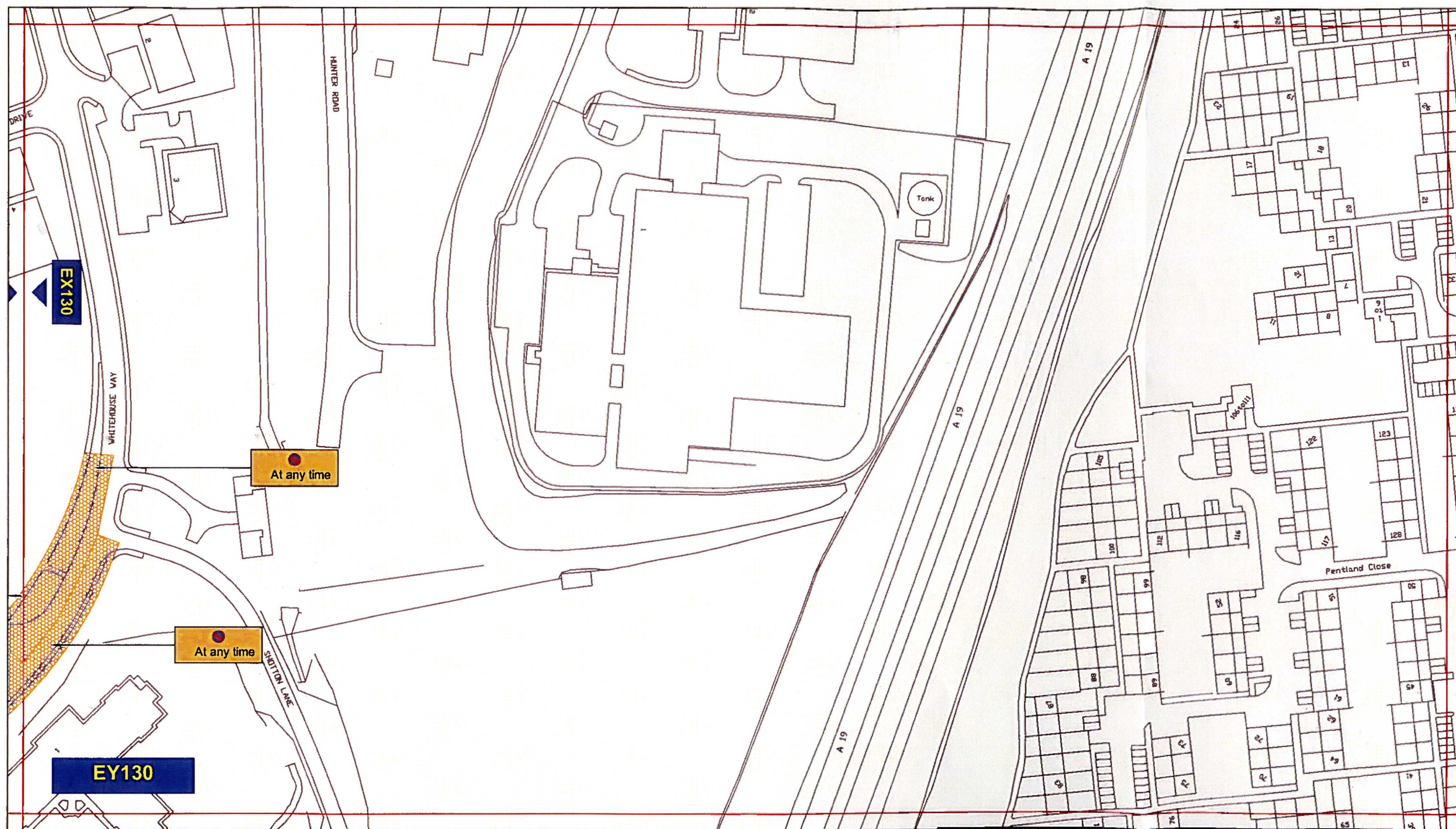
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PETERLEE AND HORDEN PARKING AND WAITING RESTRICTIONS.



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Date:	July 2013		
Drawn by:	A. Gleason	Signature:	
Date Sealed:	5/9/13	Map Schedule:	EY132



Key to Types of Restriction

-  No Waiting At Any Time
-  Individual Reference Number

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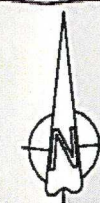
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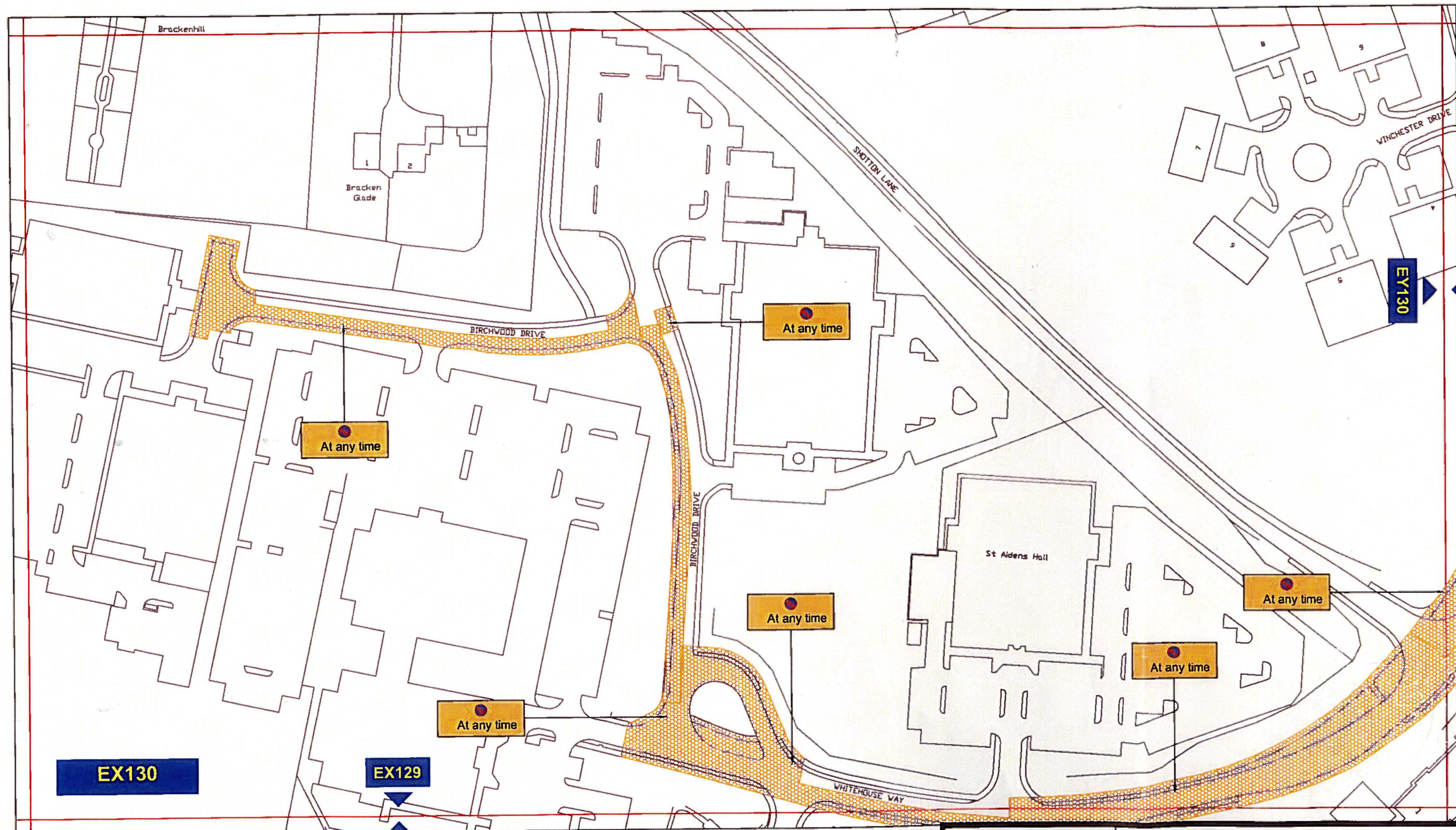
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PETERLEE AND HORDEN PARKING AND WAITING RESTRICTIONS



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Date:	July 2013		
Drawn by:	R. Smith	Signature:	
Date Sealed:	5/9/13	Map Schedule:	EY130



Key to Types of Restriction

-  No Waiting At Any Time
-  Individual Reference Number

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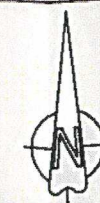


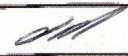
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Regeneration & Economic
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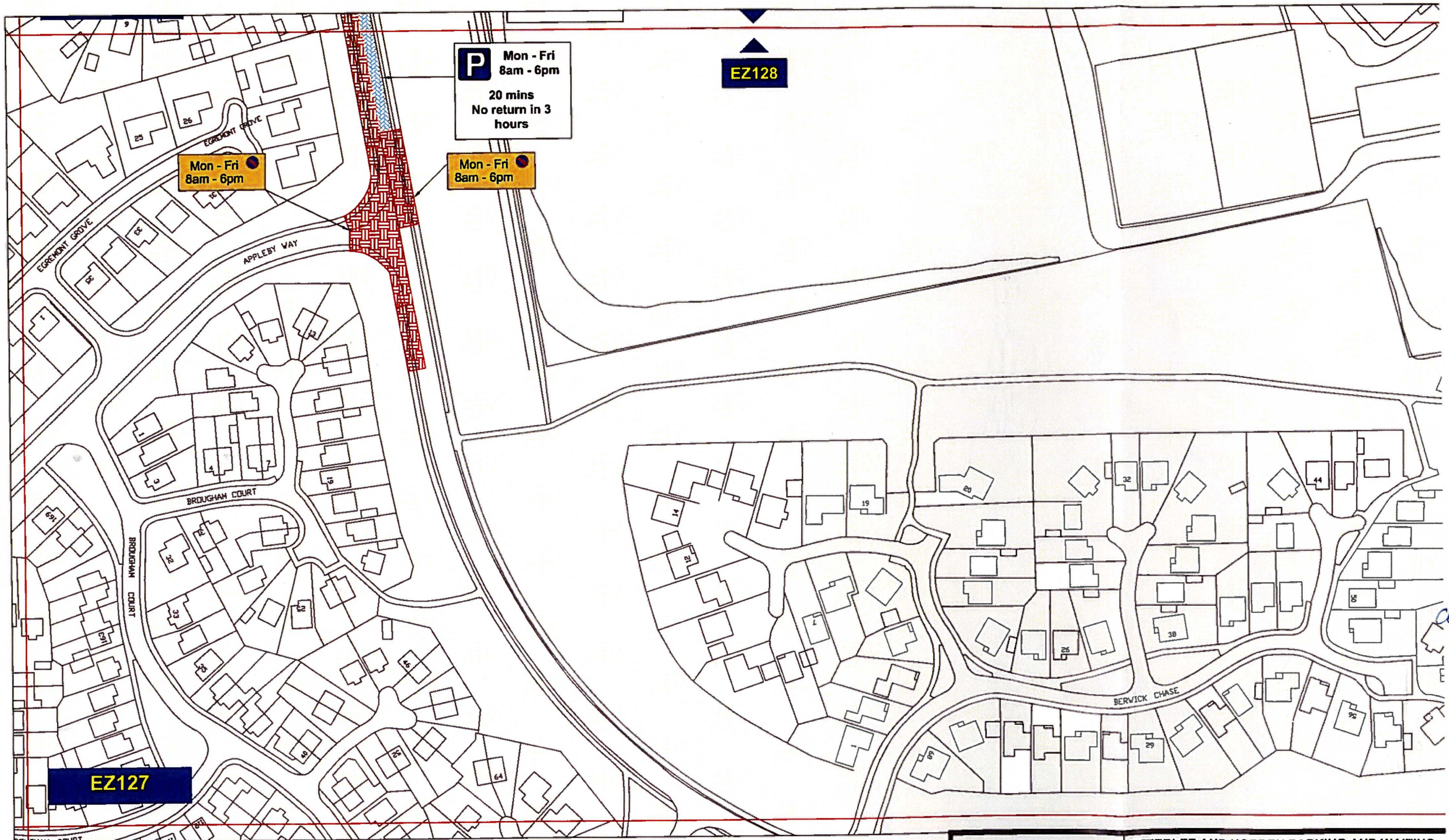
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PETERLEE AND HORDEN PARKING AND WAITING RESTRICTIONS



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Date Sealed:	5/9/13	Map Schedule:	EX130



Key to Types of Restriction



Restricted Waiting



Restricted Bay

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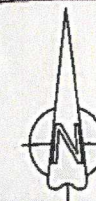
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PETERLEE AND HORDEN PARKING AND WAITING RESTRICTIONS



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Date:	03/13		
Drawn by:	A.Gleason	Signature:	<i>AG</i>
Date Sealed:	5/9/13	Map Schedule:	EZ127

DELEGATED DECISION
NEIGHBOURHOOD SERVICE



APRIL 2013.

TRAFFIC REGULATION ORDER (TRO)

Report of NEIGHBOURHOOD SERVICE
BRIAN BUCKLEY – STRATEGIC HIGHWAYS MANAGER

Purpose of the Report

- 1 To consider the introduction/amendment of a TRO at:

Unc 28.27 Passfield Way / Unc Durham Way, Peterlee

Background

As part of the original Building Schools for the Future programme the Highway Authority was asked to consider the implementation of parking restrictions on the Unc 28.27 Passfield Way / Unc. Durham Way Peterlee. It should be noted that the proposals for the school involved amalgamating and extending the Primary and Comprehensive Schools within one site; therefore increasing traffic movements and children numbers in the vicinity of the two schools.

The original planning application also removed the unadopted (Education owned land) bus turning circle at the entrance to the school off Unc 28.27 Passfield Way. This was later rescinded and the turning area retained to allow pick up / drop off facilities for the parents and a parking area for teachers of the school.

There was also the added complication of an ongoing road safety issue which received and still continues to receive complaints from members of the public and via Elected Members with respect of a large car dealership offloading vehicles on Unc 28.27 Passfield Way even though they have facilities within the adopted access road to their site.

Details of any alternative options considered and rejected when making the decision

Durham County Council initially consulted on proposals to implement a No Waiting / No Loading at Any Time Restriction on the Unc 28.27 Passfield Way; a section of No Stopping between 08.00 - 18.00 Monday to Friday (School Keep Clears) outside the new school pedestrian entrance on Unc Durham Way; and junction protection to two residential streets off the western side of Durham Way (Corby Grove and Appleby Way).

This was consulted upon in July 2010 but received little support from the local residents who wanted us to consider blanket parking restrictions on Unc Durham

Way similar to those on Passfield Way and the introduction of a parking layby; even though through discussions and letters with those residents we felt that by providing blanket parking restrictions it would only force the school gate parking into the unsuitable residential areas.

We also received an objection from Strategic Traffic Headquarters on the No Loading element of the proposed restrictions on Passfield Way; further discussions with Dave Wafer, Strategic Traffic Manager and Gordon Wingrove, Acting Area Engineer allowed the compromise for the provision of the No Loading element on both sides of Passfield Way in the vicinity of the car dealership to the junction with Durham Way.

A meeting was then held with the Local Elected Members and the AAP in November 2010 where we were asked to re-consult on 2 options for parking restrictions asking residents to nominate their preferred options. This was consulted upon in December 2010/January 2011. The 2 options were Option 1 the original proposal, Option 2 further restrictions on both sides of the Unc Durham Way. Unfortunately this again did not provide a definite response to which proposal to progress.

It should be noted that at the time of this second consultation for parking restrictions the Local Elected Members were consulting on the provision of traffic calming measures on Durham Way which meant that their LAMA and AAP Neighbourhoods monies were already allocated to this scheme and funding was not available for the provision of a parking lay by. This information was relayed back to the residents at that time.

A further meeting was held with the Elected Members in April 2011 and the previously consulted traffic calming scheme for Unc Durham Way had been abandoned due to an overwhelming negative response from residents and therefore monies were now available for the provision of a parking lay by on the eastern side of Durham Way. The lay by would then allow for the blanket parking restrictions on Durham Way as the residents had requested whilst still allowing some parking space albeit with a limited waiting (20 minutes no return). At this meeting we were asked to progress with Option 2 for the parking restrictions and the provision of a parking lay by on the Unc Durham Way.

We were then asked to consider the implementation of parking restrictions and a one way order on the then unadopted (Education Dept owned) bus turning circle at the former pedestrian/bus entrance off the southern side of Passfield Way. This required further consultation with the statutory consultees and occurred in June 2011.

The parking lay by scheme unfortunately delayed the provision of the parking restrictions on site until it was constructed as we needed to ascertain the physical lengths of restrictions for the various types to be provided on Durham Way. This was completed on site in late 2011.

Over the past few months we have continued to receive and investigate representations for even further parking restrictions mainly within the residential areas of Corby Grove and Appleby Way and also the possible provision of a further parking lay by on the northern side of Unc 28.27 Passfield Way.

At this time we have taken the decision to progress with the implementation of the parking restrictions as we are unable to delay this further. Once these restrictions are implemented we will monitor the displacement of vehicles and if necessary consider if any further restrictions may be required.

Recommendations and reasons

It is recommended to proceed with the restrictions as indicated on the relevant scheme drawings.

It is felt that following the implementation of the limited parking lay by on Durham Way we are now in a position to implement blanket parking restrictions on both Unc 28.27 Passfield Way and Unc Durham Way as per the request of the residents and the Elected Members. The lay by will allow some on street parking and hopefully prevent the parking moving in to the unsuitable residential streets; which was our main concern.

Decision

6 Text

Background papers

Contact: [David Battensby] Tel: 03000 263681

Appendix 1: Implications

Finance - LAMA

Staffing – Area Traffic Team; and once implemented enforcement will rest with the Parking Enforcement Team.

Risk – A continuation of the ongoing parking problems associated with the school and the garage.

Equality and Diversity / Public Sector Equality Duty - It is considered that there are no Equality and Diversity issues to be addressed.

Accommodation - No impact.

Crime and Disorder - This TRO will allow effective management of traffic to reduce congestion and improve road safety

Human Rights - No impact on human rights

Consultation – Various consultations have been carried out as the scheme evolved

Procurement – Operations, DCC.

Disability Issues - Blue Badge holders are exempt from part of the waiting restrictions for up to 3 hours

Legal Implications - Enforceable TRO

DELEGATED DECISION

**REGENERATION AND ECONOMIC
DEVELOPMENT SERVICE**



July 2013.

TRAFFIC REGULATION ORDER (TRO)

**Report of RED SERVICE
ADRIAN WHITE – HEAD OF TRANSPORT**

Purpose of the Report

To consider the extension of the existing no waiting at any time restrictions on Whitehouse Way, Peterlee.

Background

Members of public have complained about the lack of visibility past the traffic island and around the bend due to parked cars.

Details of any alternative options considered and rejected when making the decision

Change the centre line road markings or amend current Order.

Recommendations and reasons

Area office and Police are in favour.

Decision

Progress TRO

Background papers

Office folders and CRM from affected resident.

Appendix 1: Implications

Finance – Demand management

Staffing – Strategic traffic

Risk – N/A

Equality and Diversity / Public Sector Equality Duty - It is considered that there are no Equality and Diversity issues to be addressed.

Accommodation - No impact.

Crime and Disorder - This TRO will allow effective management of traffic to reduce congestion and improve road safety.

Human Rights - No impact on human rights.

Consultation - Initial consultation was carried out and no objections were received.

Procurement – Operations, DCC.

Disability Issues - Blue Badge holders are exempt from waiting restrictions for up to 3 hours.

Legal Implications - Enforceable TRO

Contact: Rachael Smith **Tel:** 03000 263587
