

**THE COUNTY COUNCIL OF DURHAM
(WHEATLEY HILL, WINGATE AND DEAF HILL)
(PROHIBITION AND RESTRICTION OF WAITING)
ORDER 2010**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2 and 4 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 1

General

1. This Order may be cited as The County Council of Durham (Wheatley Hill, Wingate and Deaf Hill) (Prohibition & Restriction of Waiting) Order 2010 and shall come into operation on 1st July 2010.

Interpretation

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

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

"disabled person's 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.

"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;

"masterplan" means the plan showing the total area covered by all of the individual map schedules for each location included in a Map Based Road Traffic Regulation Order"

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

"relevant position" means:-

- (i) in the case of a disabled person's 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 disabled person's parking disc:-
 - (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 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;

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

Part II

Revocation

3. (i) The following Orders are to be revoked in full:

The County of Durham (Road B.1279, Alexandra Terrace, Wheatley Hill) (Prohibition of Waiting) Order, 1984

1/43

The County of Durham (Various Roads, Wheatley Hill) (Prohibition of Waiting) Order, 1986

1/43

The County of Durham (C.65 Cemetery Road And Unclassified Quilstyle Road, Wheatley Hill) (Prohibition of Waiting) Order 1995

2/87

The County Council of Durham (C65 Woodlands Avenue, Wheatley Hill and Unclassified Gully Road, Wingate) (Prohibition of Waiting) Order 2004

2/13

Road Traffic Acts 1930 and 1956. Road and Rail Traffic Act, 1933. The County Council of Durham (Front Street, Wingate) (Prohibition of Waiting) Order, 1959.

1/16

- The County of Durham (Road B.1280, Wingate) (Restriction of Waiting) Order, 1988 1/55.
- The County of Durham (B1280/Moor Lane and Dawson Road Junctions, Wingate) (Prohibition of Waiting) Order 1996 2/91.
- The County Council of Durham (Unclassified New Cross Road, Wingate) (Prohibition of Waiting) Order 2006 2/139.
- The County of Durham (Margaret Terrace and Station Road, Deaf Hill) (Prohibition of Waiting) Order, 1990. 1/63.
- The County Council of Durham (C65 Woodlands Avenue, Wheatley Hill and Unclassified Gully Road, Wingate) (Prohibition of Waiting) Order 2004. (2/131.)
- The County of Durham (Front Street, Wingate) (Restriction of Waiting) Order 1980 1/168.
- (ii) The following orders are to be partially revoked:
- The County Council of Durham (Roads C22/C66 Deaf Hill) (Prohibition of Waiting, Restricted Road and 17 Tonnes Weight Restriction) Order 1999. 2/105.
- Schedule 1.

Part III

Prohibition of Waiting At Any Time

4. Save as provided in Article 6 of this Order no person shall, except upon the direction or with the permission of an 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 in the Masterplan and within the individual plans detailed in Schedule 1 to this Order.

Prohibition of Waiting between the hours of 8.00am and 6.00pm on any day

5. Save as provided in Article 6 of this Order no person shall, except upon the direction or with the permission of an enforcement officer, cause or permit any vehicle to wait between the hours of 8.00am and 6.00pm on any day, on any of the lengths of roads or sides of lengths of roads identified in the Masterplan and within the individual plan detailed in Schedule 2 to this Order.

Part V

Exemptions

6. (1) Nothing in Articles 4 or 5 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 4 or 5 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 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 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 Article 4 or 5 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; or
 - (b) goods to be loaded onto or unloaded from the vehicle.

Part VI

Saving

- 7. 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.

8. 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

Plan reference numbers: ER124, ER125, ER126, EQ126, EW120, EW121, EV121,
ER116, ES116, EQ124, EQ123

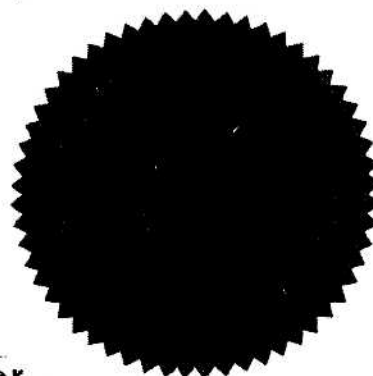
Schedule 2
Prohibition of Waiting between the hours of 8.00am and 6.00pm on any day

Plan reference numbers: EW119, EW118, EV119

Given under the Common Seal of the County Council of Durham on 24 June 2010.

[Handwritten signature]

Authorised Sealing Officer



48595

REPORT FOR DELEGATION OF APPROVAL

6 April 2010

TRAFFIC REGULATION ORDER (TRO)

Purpose

To consider the introduction/amendment of a TRO at:.

WHEATLEY HILL, WINGATE and DEAF HILL

Information

In Order to progress with the introduction of Civil Parking Enforcement (CPE) in the North Durham area there is a need to ensure that all existing Traffic Regulation Orders (TRO's) are legally enforceable. This new TRO will replace the 12 existing TRO's which were sealed in 1959 to 2006. The new TRO will use map based schedules to accurately identify existing waiting restrictions as they appear on the ground and ensures that the body of the Order itself is legally correct. Given the new TRO will not introduce any new restrictions on the ground and is more or less an administrative process it is likely that we will receive very few if any objections to the proposals.

The introduction of CPE will involve the advertising of 19 TRO's (arranged in settlement groups) which will replace all existing waiting restriction TRO's in the North Durham area.

Recommendation

It is RECOMMENDED that the TRO be progressed to advert.

Background Papers

Office Files

Contact Officer

Dave Lewin

Ext 4125

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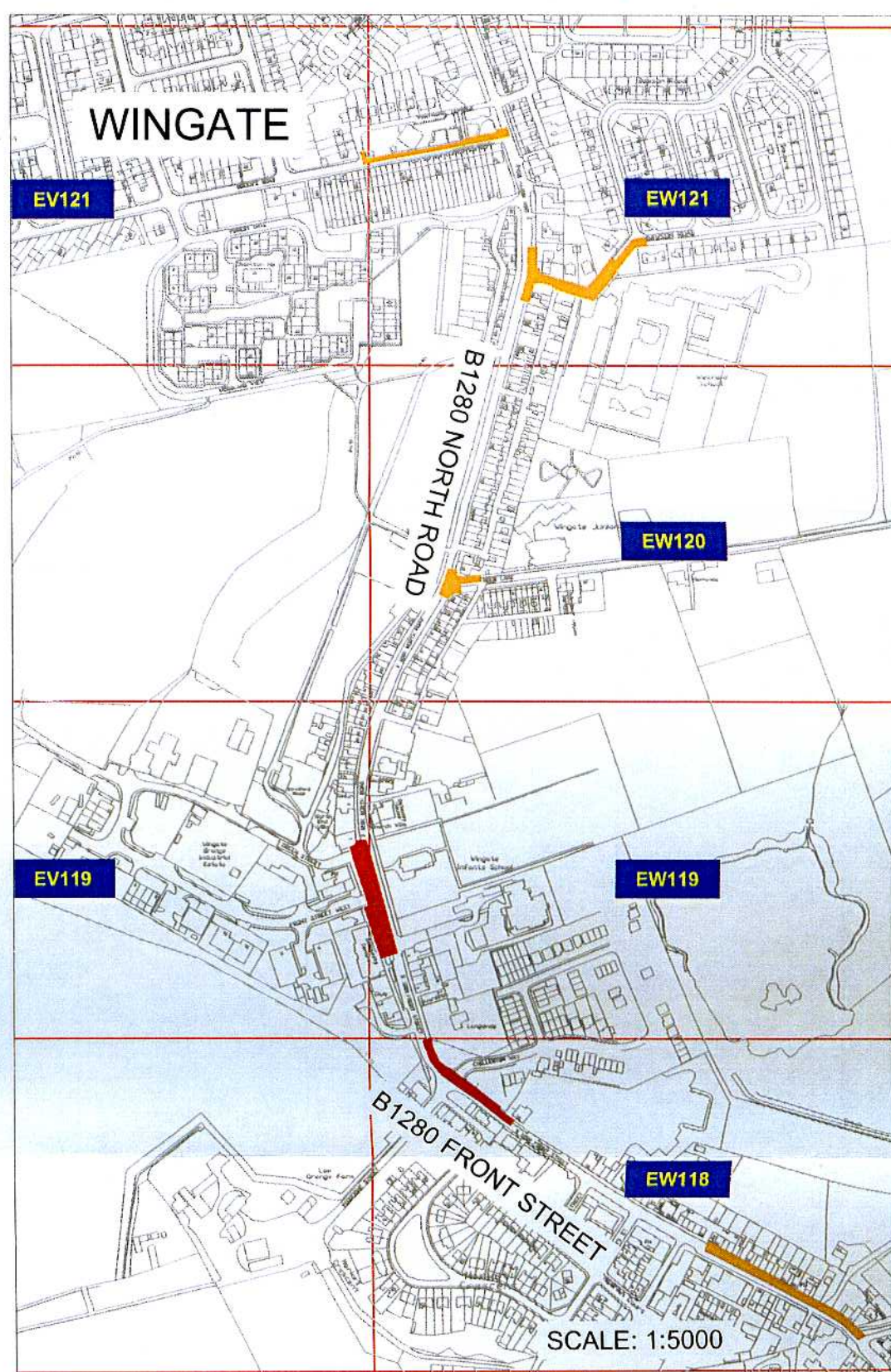
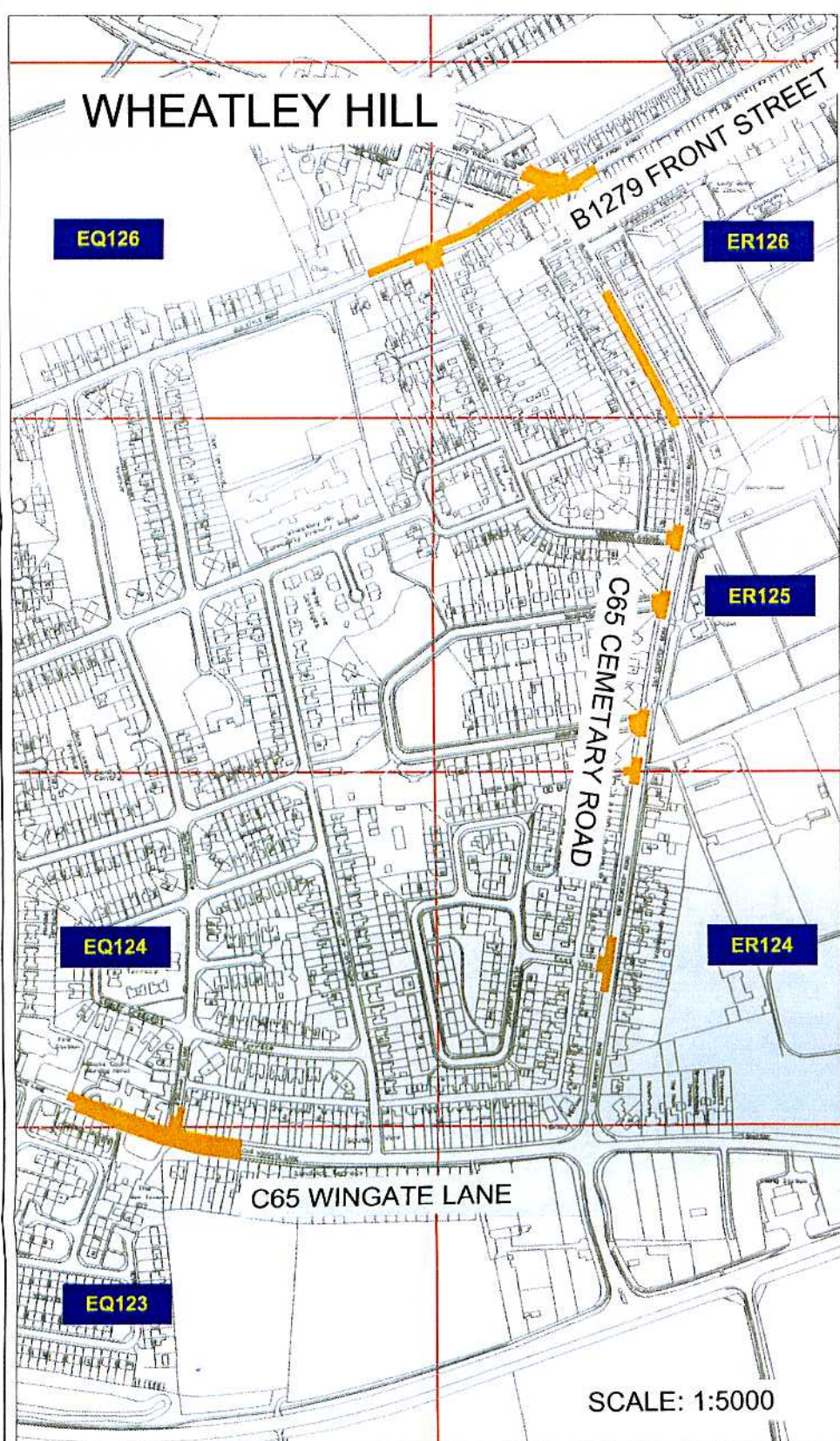
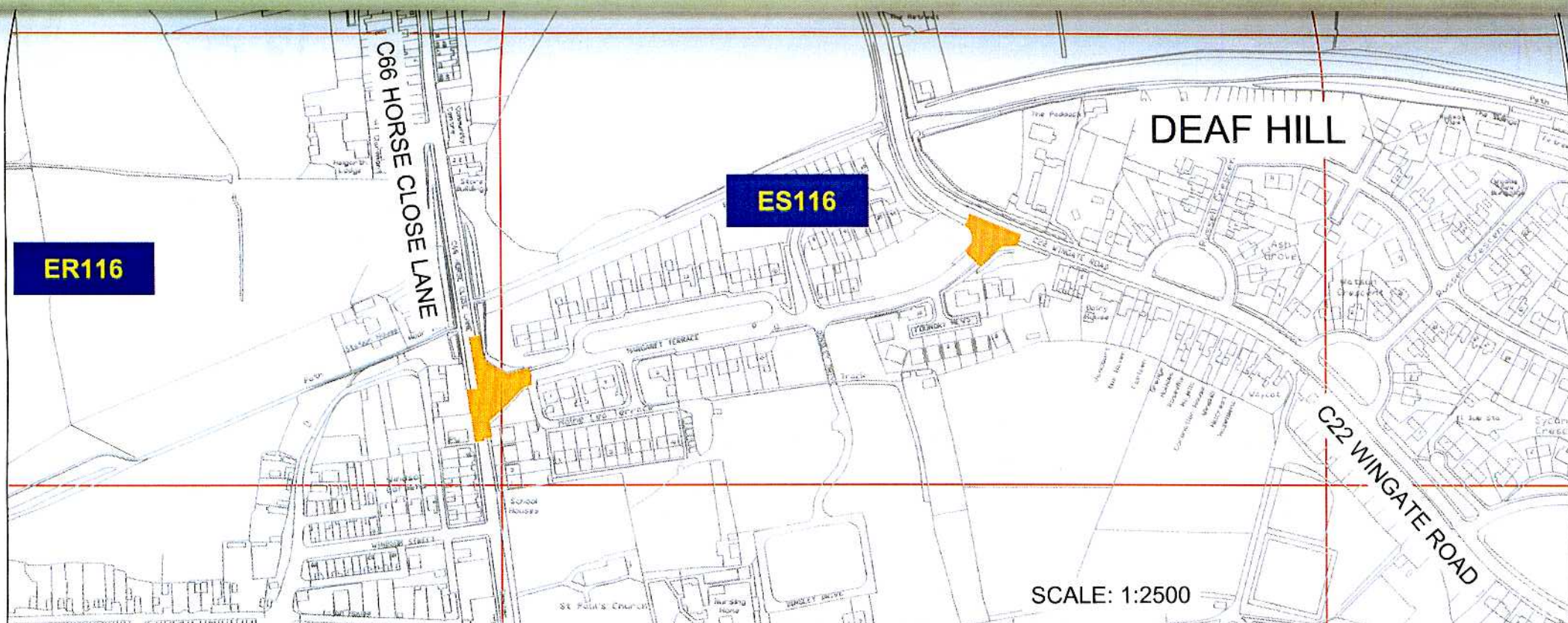
(WHEATLEY HILL, WINGATE and DEAF HILL)

**(PROHIBITION and RESTRICTION OF WAITING and PROHIBITION OF
LOADING/UNLOADING) ORDER 2010**

Statement of Reasons

Durham County Council as Highway Authority propose to make the above order in discharge of its duty under Section 122 of the Road Traffic Regulation Act 1984, "to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)", in accordance with the provisions of Section 1(1) of the Road Traffic Regulation Act 1984 namely:-

- ✓
- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or ☒
 - (b) for preventing damage to the road or to any building on or near the road, or ☐
 - (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or ☒
 - (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or ☐
 - (e) (without prejudice to the generality of paragraph(d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or ☐
 - (f) for preserving or improving the amenities of the area through which the road runs; or ☐
 - (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality). ☐



Key to Types of Restriction

-  No Waiting At Any Time
-  No Waiting and No Loading/Unloading At Any Time
-  Restricted Waiting

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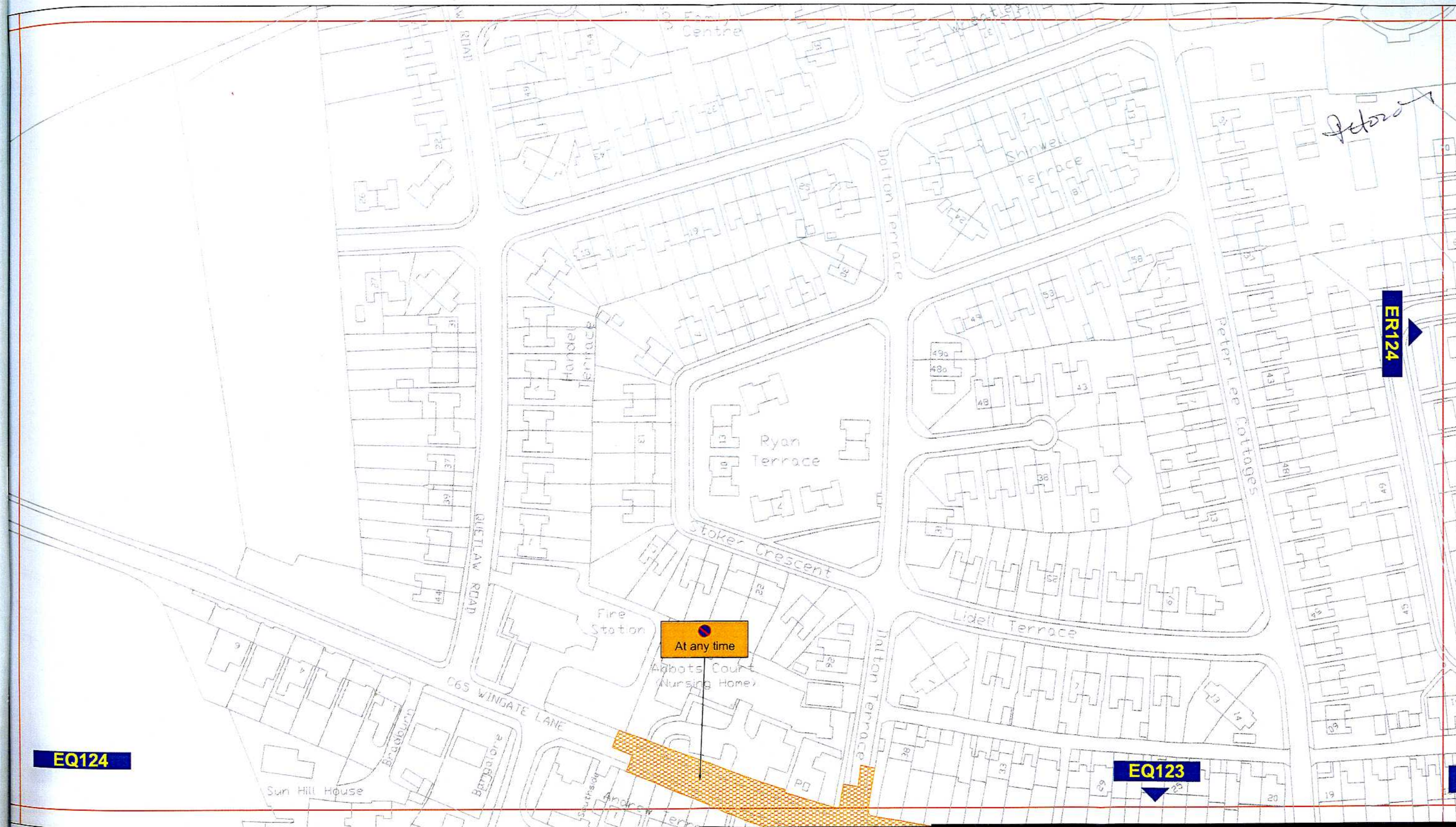
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Strategic Traffic Management
County Hall, Durham DH1 5UQ

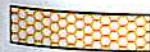
THE COUNTY COUNCIL OF DURHAM
WHEATLEY HILL, WINGATE and DEAF HILL
PROHIBITION and RESTRICTION OF WAITING and
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ORDER, 2010



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Date:	MARCH 2010	
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Date Sealed:	24.6.10	MASTERPLAN



Key to Types of Restriction



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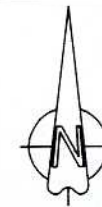


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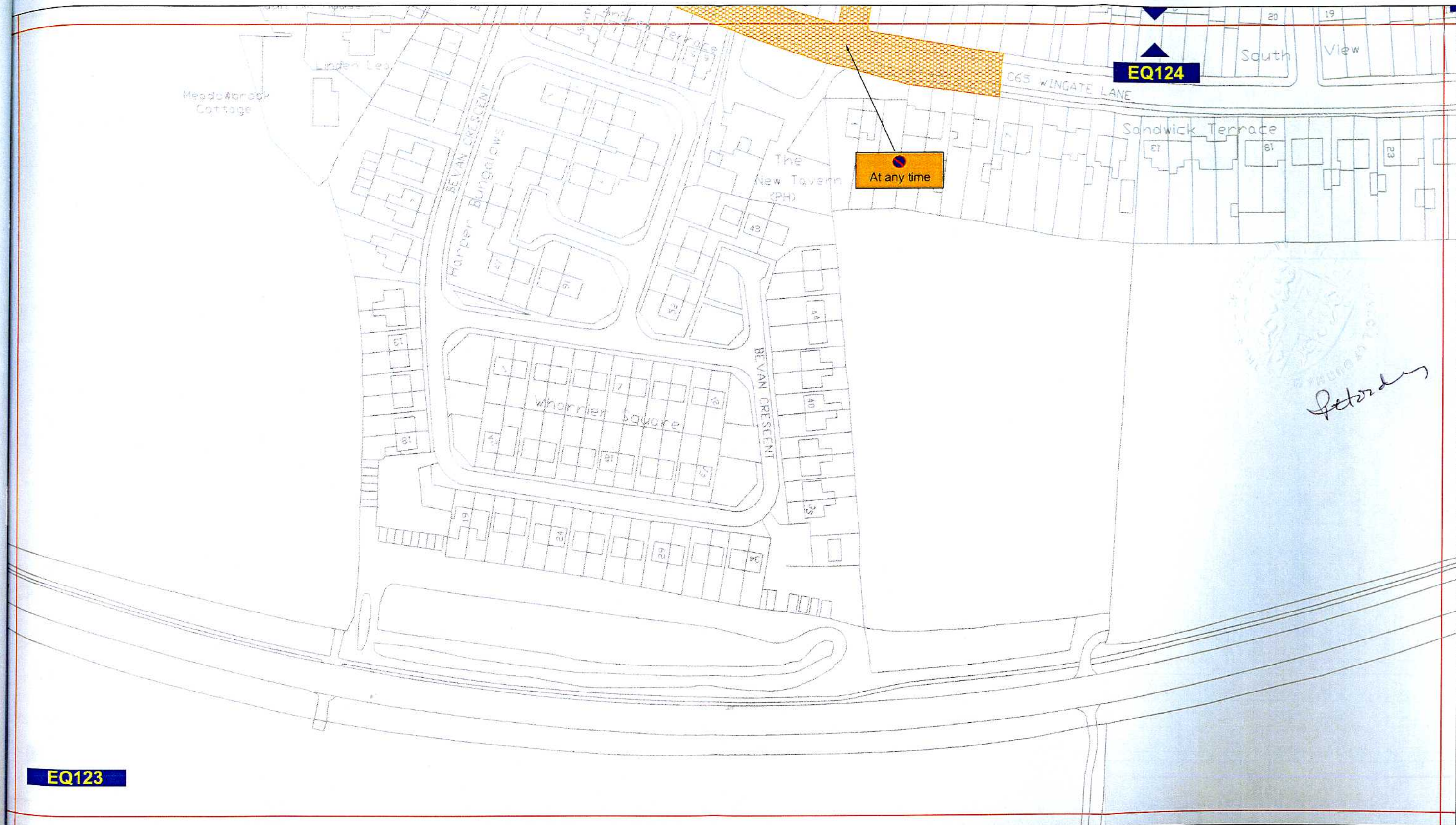
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Map
Schedule:

EQ124



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No Waiting At Any Time

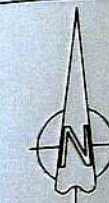


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ORDER, 2010



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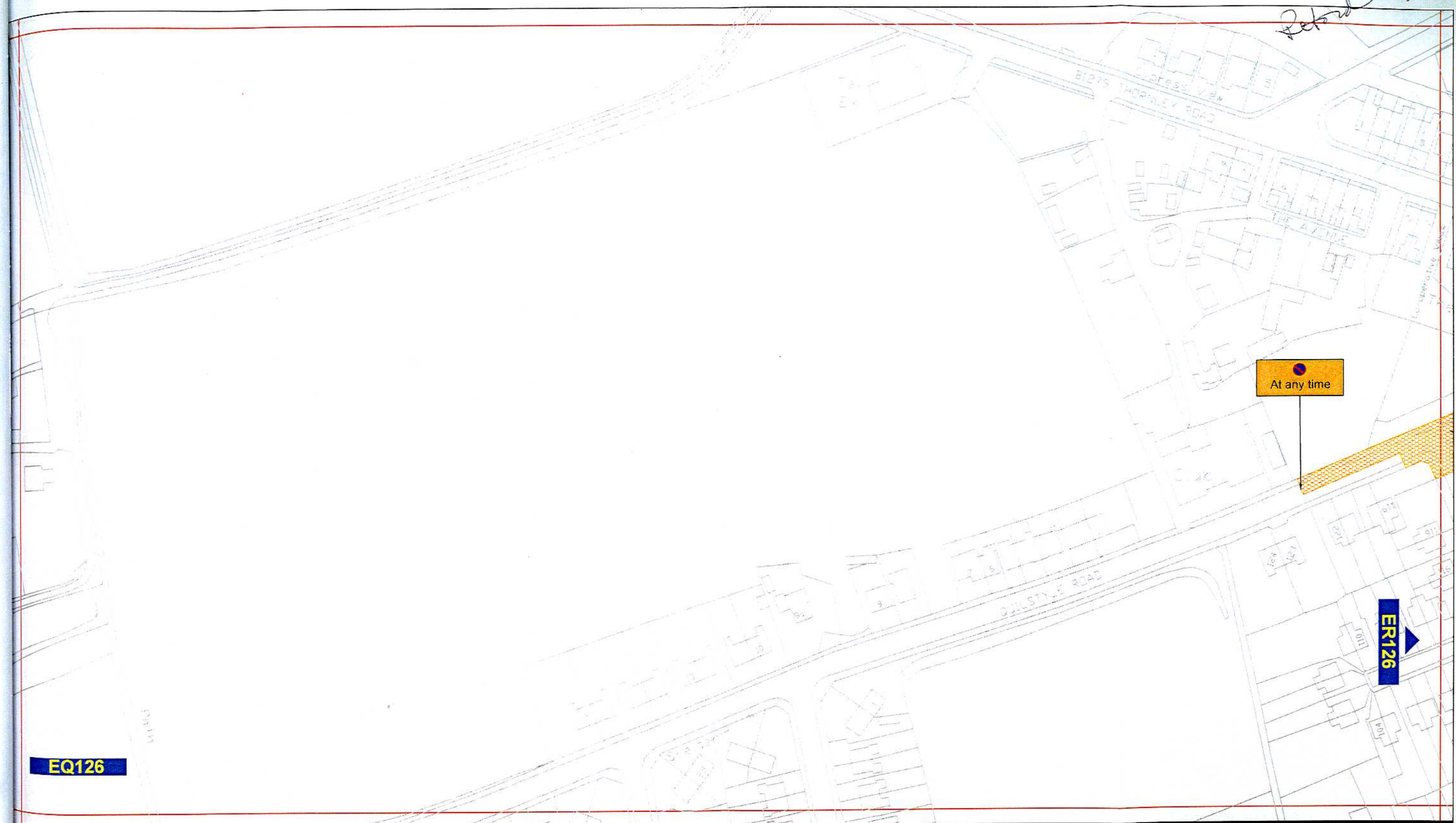
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EQ126

ER126

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 No Waiting At Any Time



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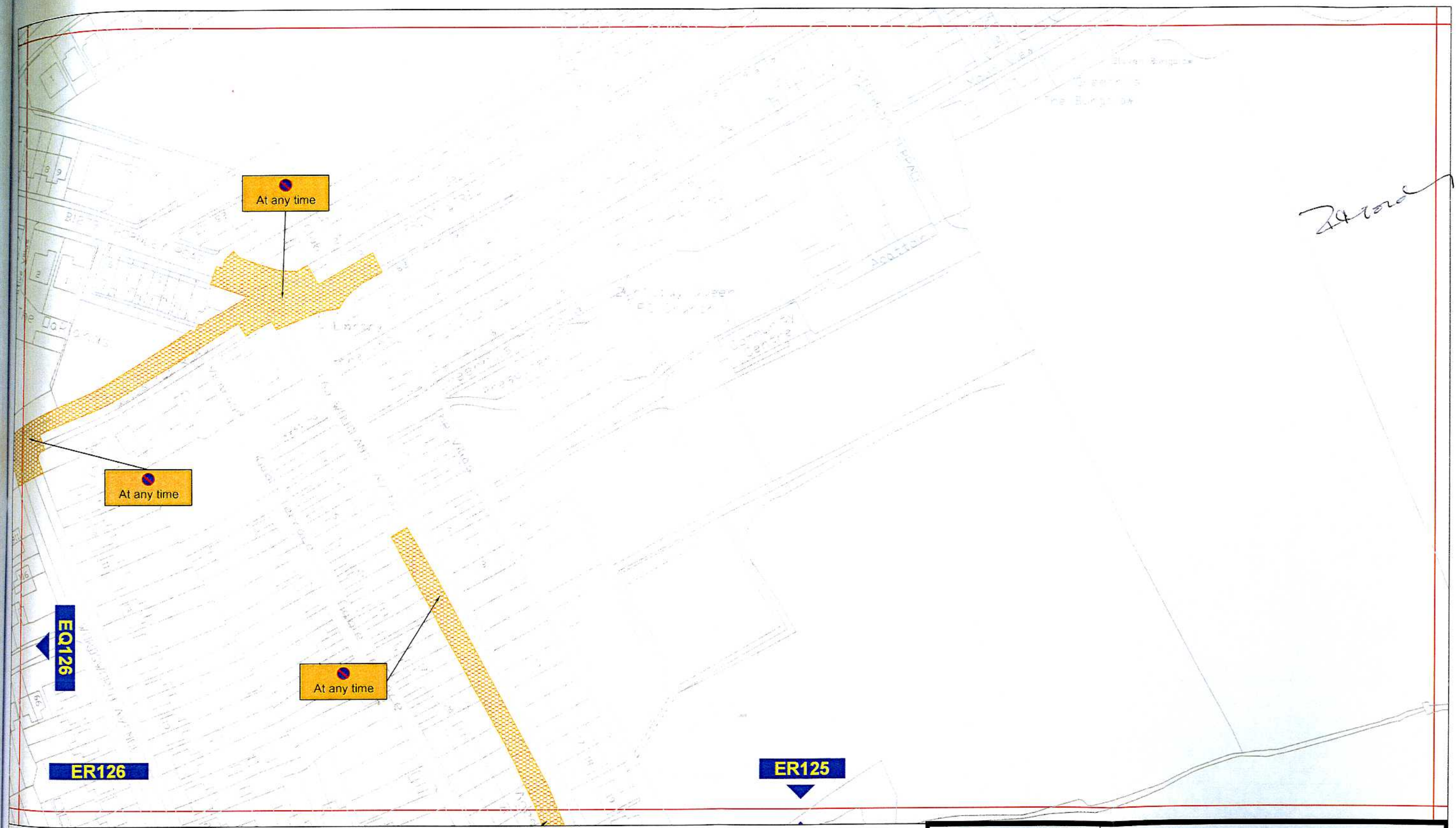
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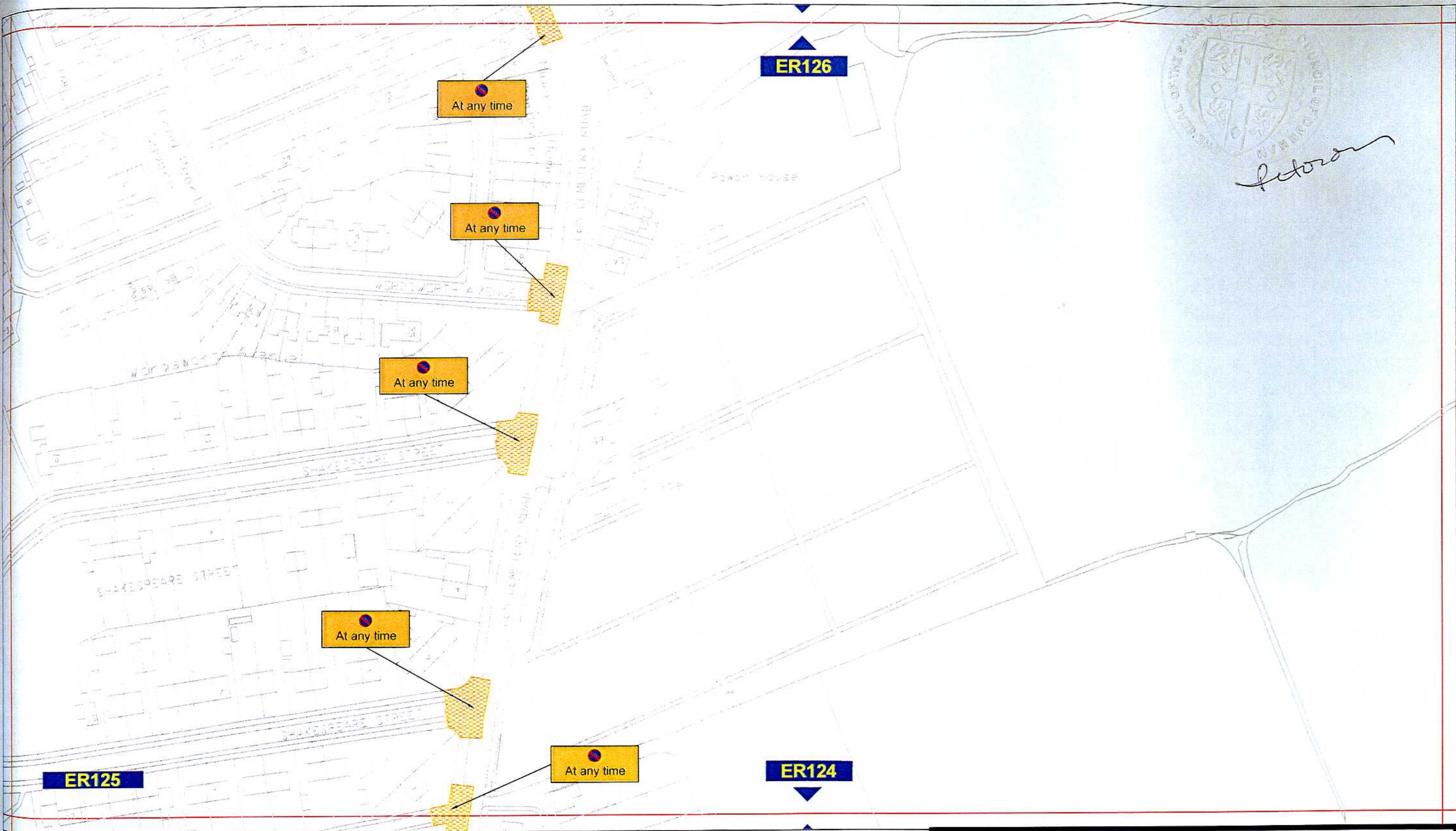
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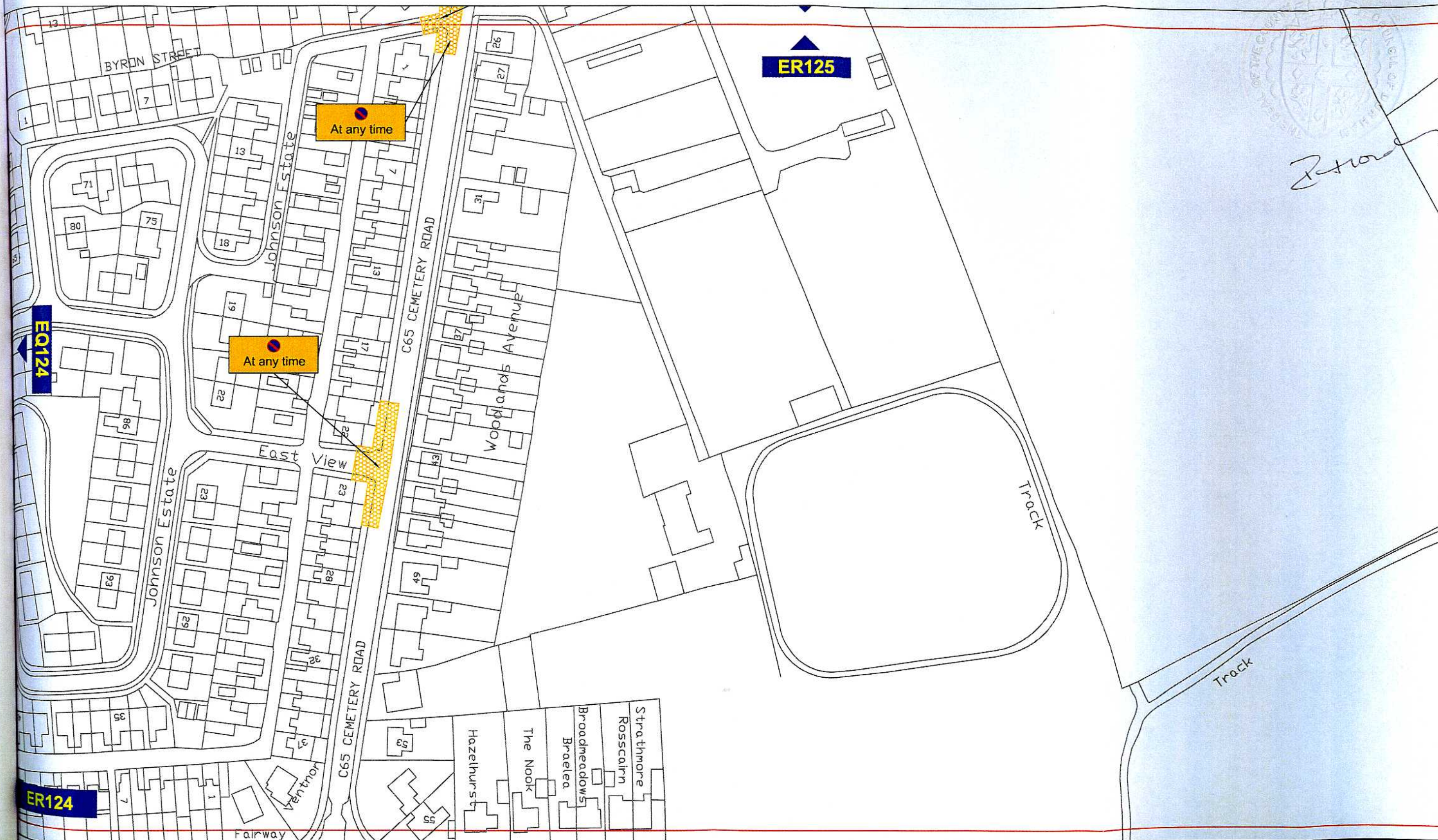
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 No Waiting At Any Time





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Key to Types of Restriction

 No Waiting At Any Time

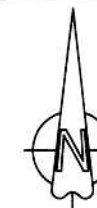


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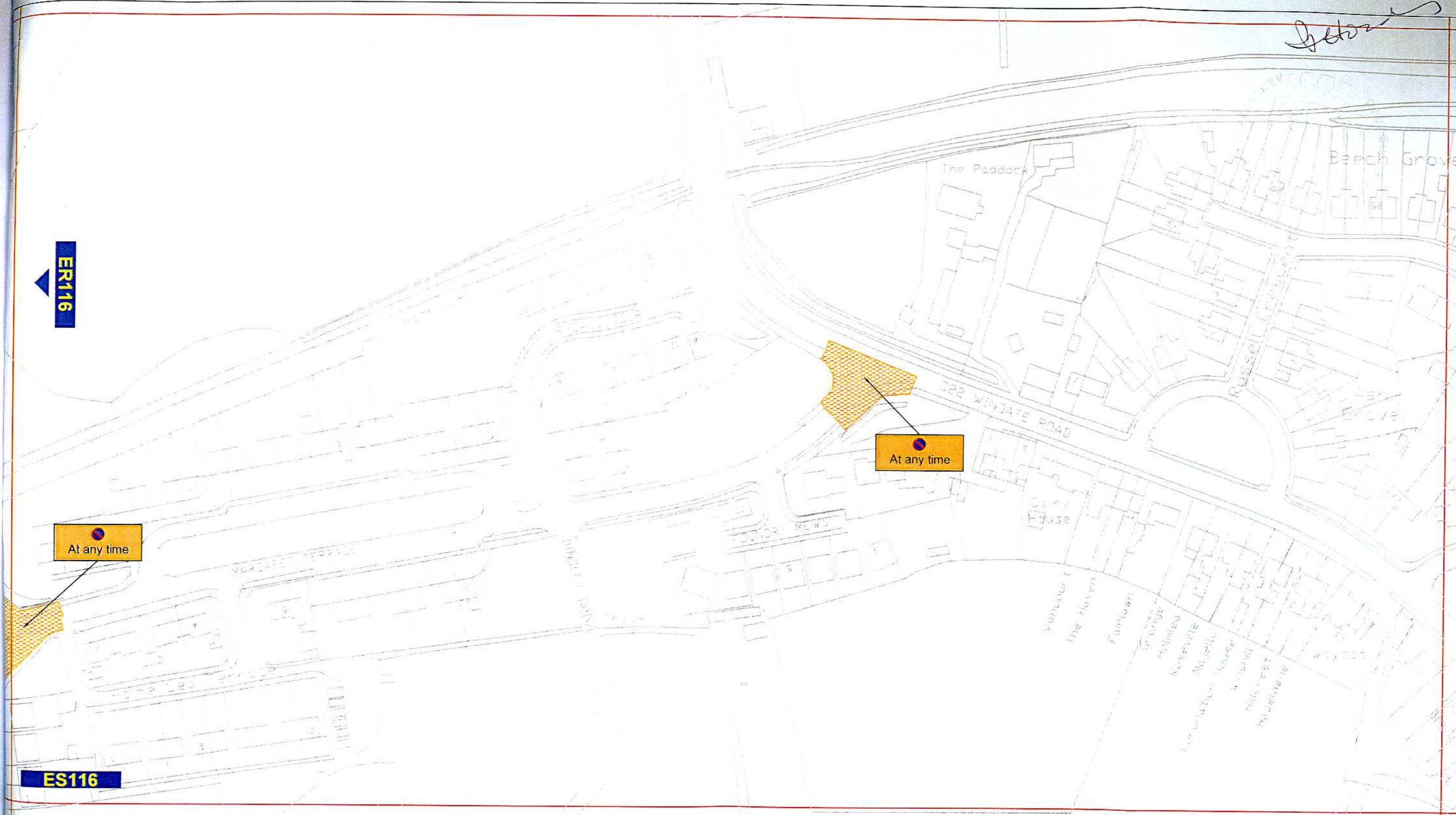
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Key to Types of Restriction

 No Waiting At Any Time



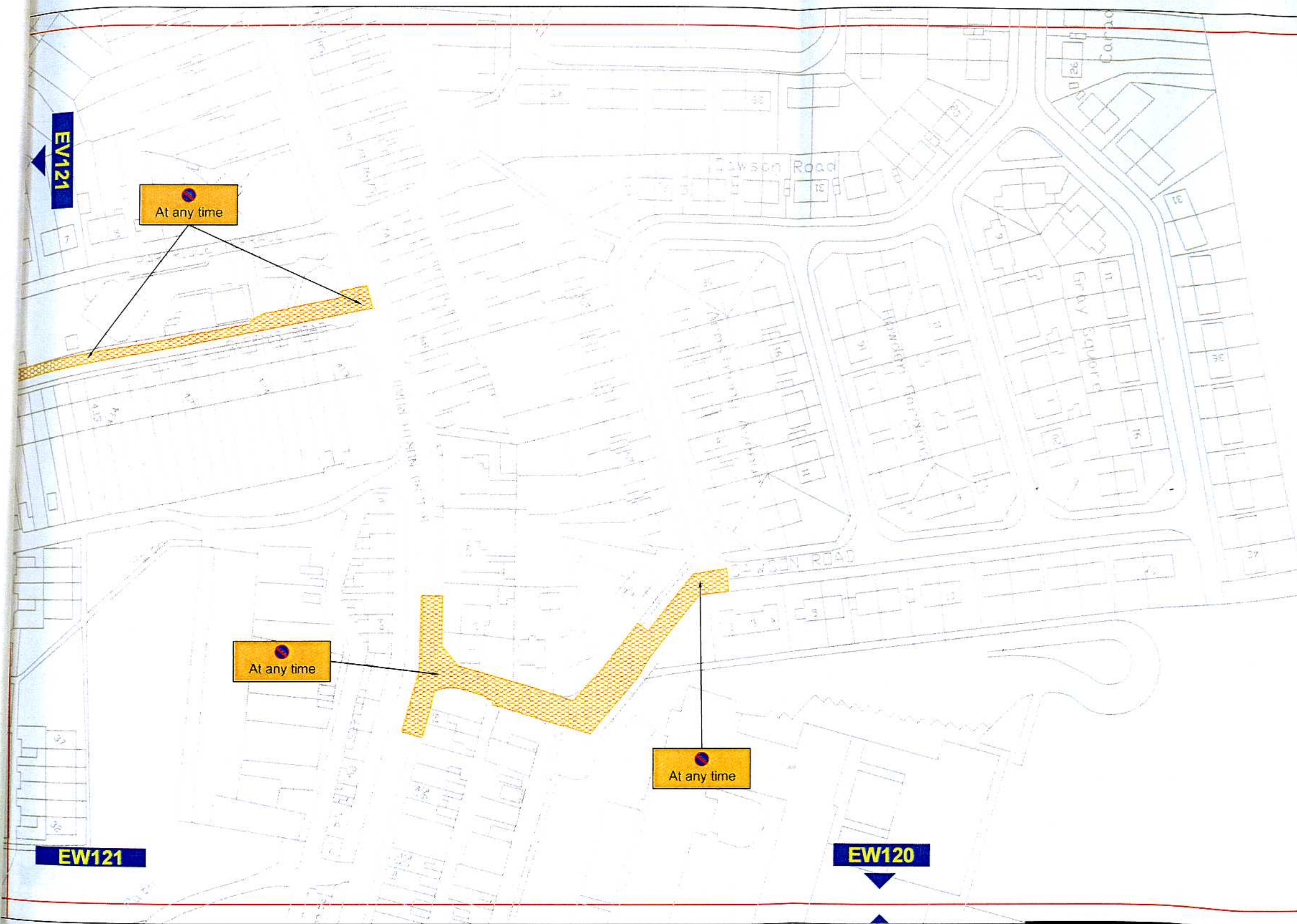
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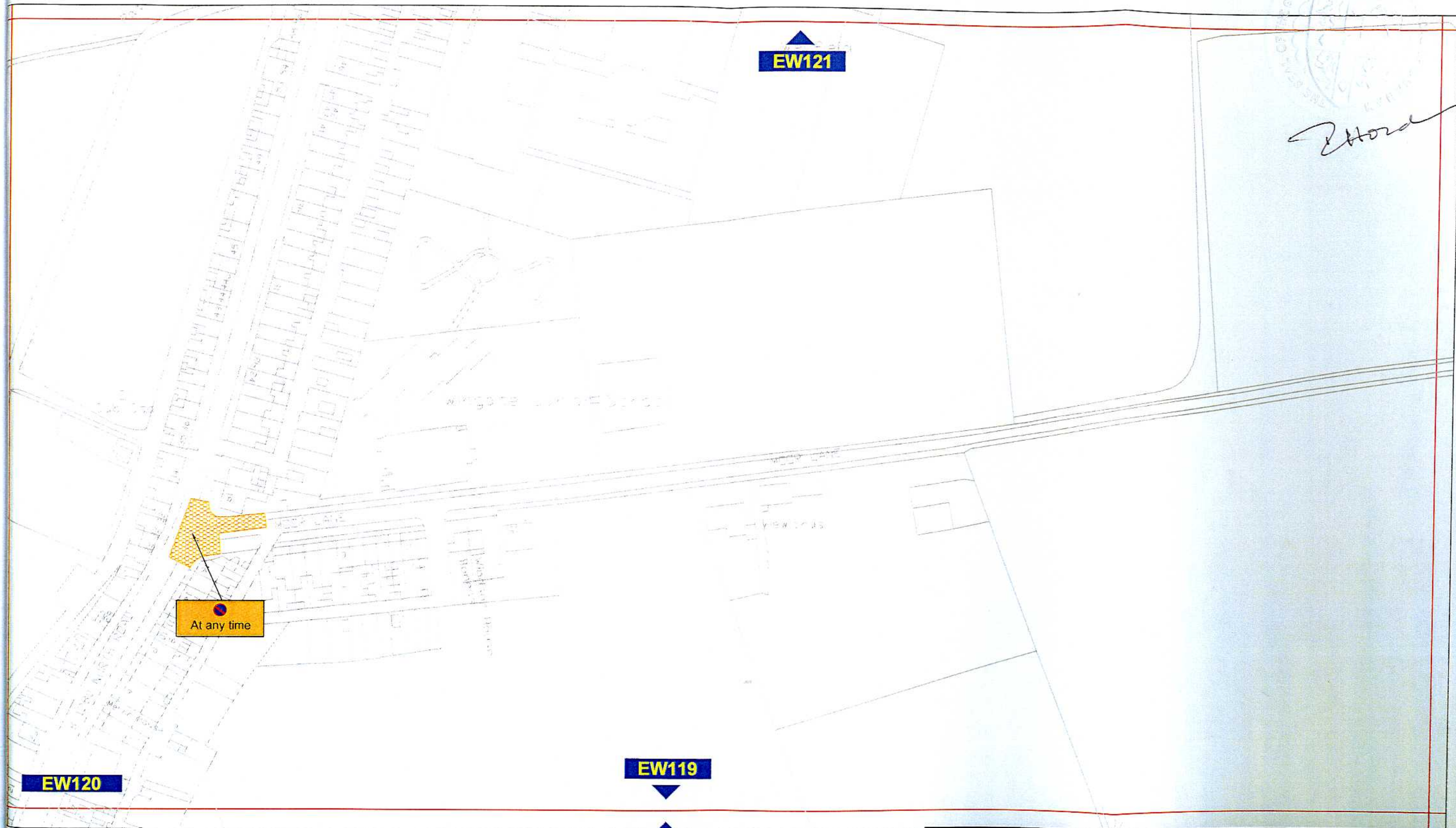
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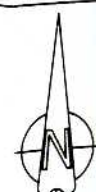



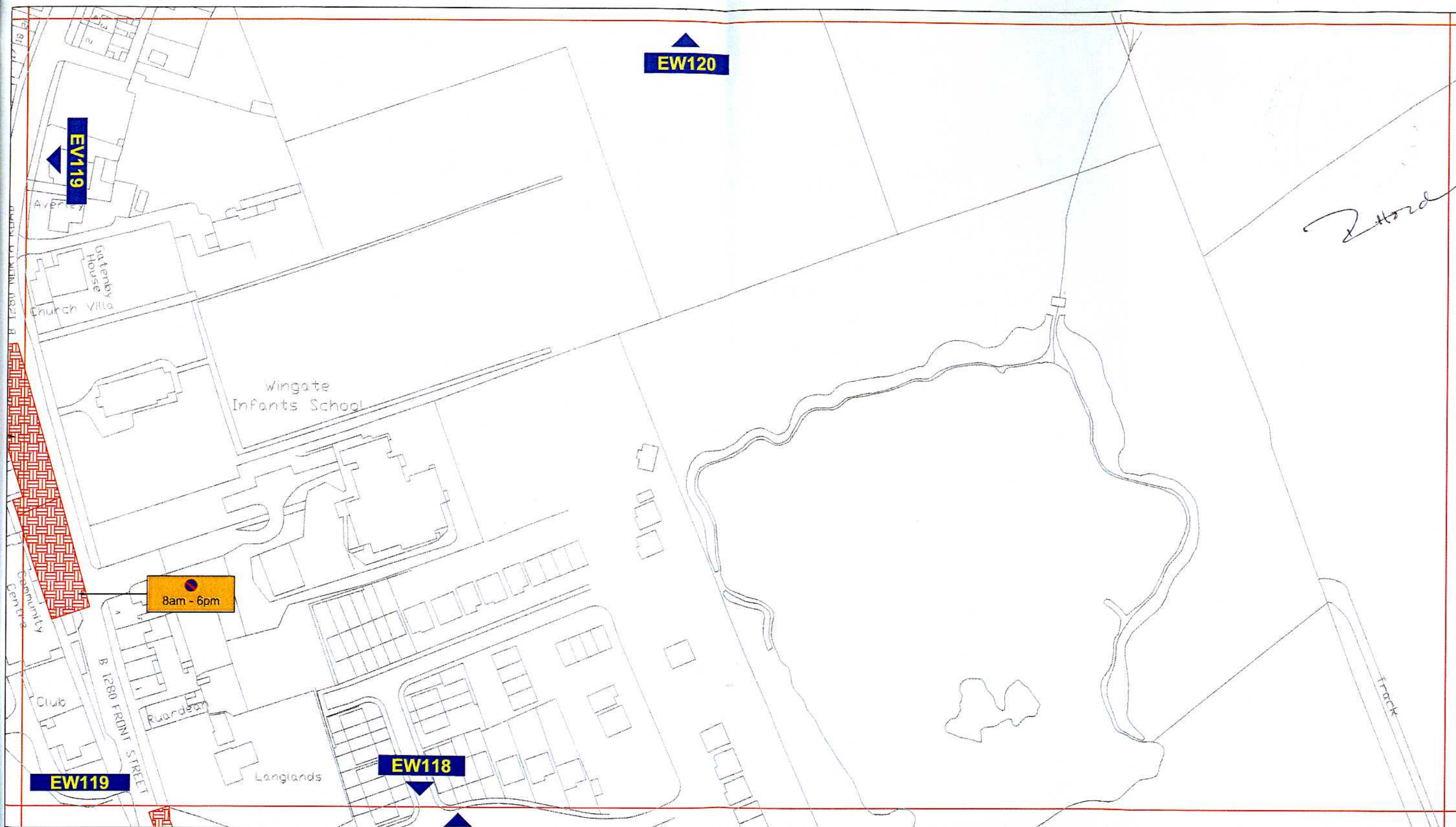
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 No Waiting At Any Time

			
THE COUNTY COUNCIL OF DURHAM WHEATLEY HILL, WINGATE and DEAF HILL PROHIBITION and RESTRICTION OF WAITING and PROHIBITION OF LOADING/UNLOADING ORDER, 2010			
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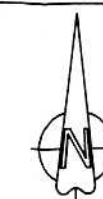
 Restricted Waiting




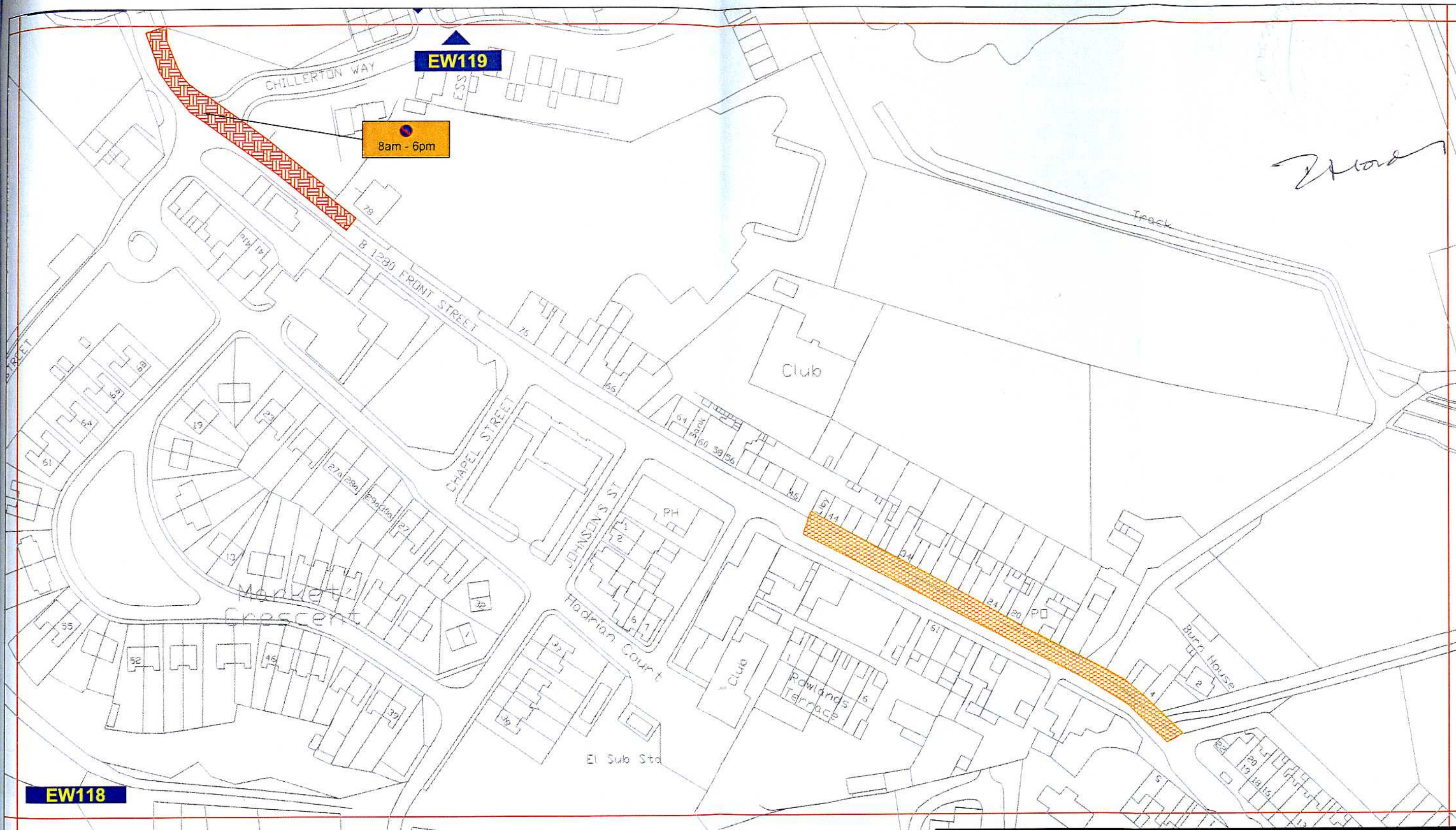
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Restricted Waiting

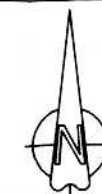


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EV121

Types of Restriction



No Waiting At Any Time




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EV119

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Restricted Waiting



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