

**THE COUNTY COUNCIL OF DURHAM
(BLACKHALL COLLIERY AND BLACKHALL ROCKS)
(PROHIBITION AND RESTRICTION OF WAITING AND LOADING/UNLOADING)
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 (Blackhall Colliery and Blackhall Rocks) (Prohibition & Restriction of Waiting and Prohibition of Loading/Unloading) 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;

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

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

"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 designed as a parking place under the provisions of this Order;

"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;

"taxi" has the same meaning as "hackney carriage" as defined in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

"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 (Various Streets, Blackhall Colliery) (Prohibition of Waiting) Order 1975.

The County Council of Durham (Various Streets Blackhall Colliery) Prohibition of Waiting Order, 1970

The County of Durham (Middle Street (A. 1086) Etc., Blackhall) (Traffic Restriction) Order 1981

1/21

The County of Durham (A. 1086 Tenth Street Junction, Blackhall) (Prohibition of Waiting and Amendment) Order, 1992

2/67

The County Council of Durham (A1086 Blackhall Rocks – Side Road Junction) (Prohibition of Waiting With Prohibition of Loading/Unloading) Order, 2002.

2/1143

(ii) The following orders are to be partially revoked:

The County Council of Durham (Ninth Street and Hesleden Road Blackhall) (Prohibition of Waiting and 17 Tonne Weight Restriction) Order 1999. Part 1 Schedule 1.

2/107

Part III

Prohibition of Waiting At Any Time

4. Save as provided in Article 8 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 and Loading/Unloading At Any Time

5. Save as provided in Article 8 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, or
 - 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 identified in the Masterplan and within the individual plans detailed in Schedule 2 to this Order.

Prohibition of Loading/Unloading between the hours of 7.00 a.m. to 9.00 am and 3.30 p.m. to 5.30 p.m. Monday to Friday

6. Save as provided in Article 8 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, or
 - wait for the purpose of enabling goods to be loaded onto or unloaded from the vehicle between the hours of 7.00 a.m. and 9.00 am and 3.30pm and 5.30pm on any day, 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 3 to this Order.

Prohibition of Waiting Except Taxis at any time

7. Save as provided in Article 8 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, other than a taxi, at any time, on any of the lengths of roads, or sides of lengths of roads and identified in the Masterplan and within the individual plan detailed in Schedule 4 to this Order.

Part IV

Exemptions

8. (1) Nothing in Articles 4, 5, 6 or 7 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, 5, 6 or 7 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 7 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 4 or 7 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.
- (5) Nothing in Articles 5 or 6 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 herein for so long as may be necessary to enable the picking up or setting down of passengers.

Part VI

Saving

11. 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.
12. 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: FH128, FH127, FI127

Schedule 2 Prohibition of Waiting and Loading/Unloading At Any Time

Plan reference number: FJ125

Schedule 3 Prohibition of Loading/Unloading between the hours of 7.00 a.m. to 9.00 am and 3.30 p.m. to 5.30 p.m. Monday to Friday

Plan reference numbers: FH128, FH127, FI127

Schedule 4 Prohibition of Waiting Except Taxis at any time

Plan reference number: FH128

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

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John H. H. H.
Authorised Sealing Officer



REPORT FOR DELEGATION OF APPROVAL

25 March 2010

TRAFFIC REGULATION ORDER (TRO)

Purpose

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

Blackhall Colliery and Blackhall Rocks

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 6 existing TRO's which were sealed in 1970 to 2002. 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

THE COUNTY COUNCIL OF DURHAM

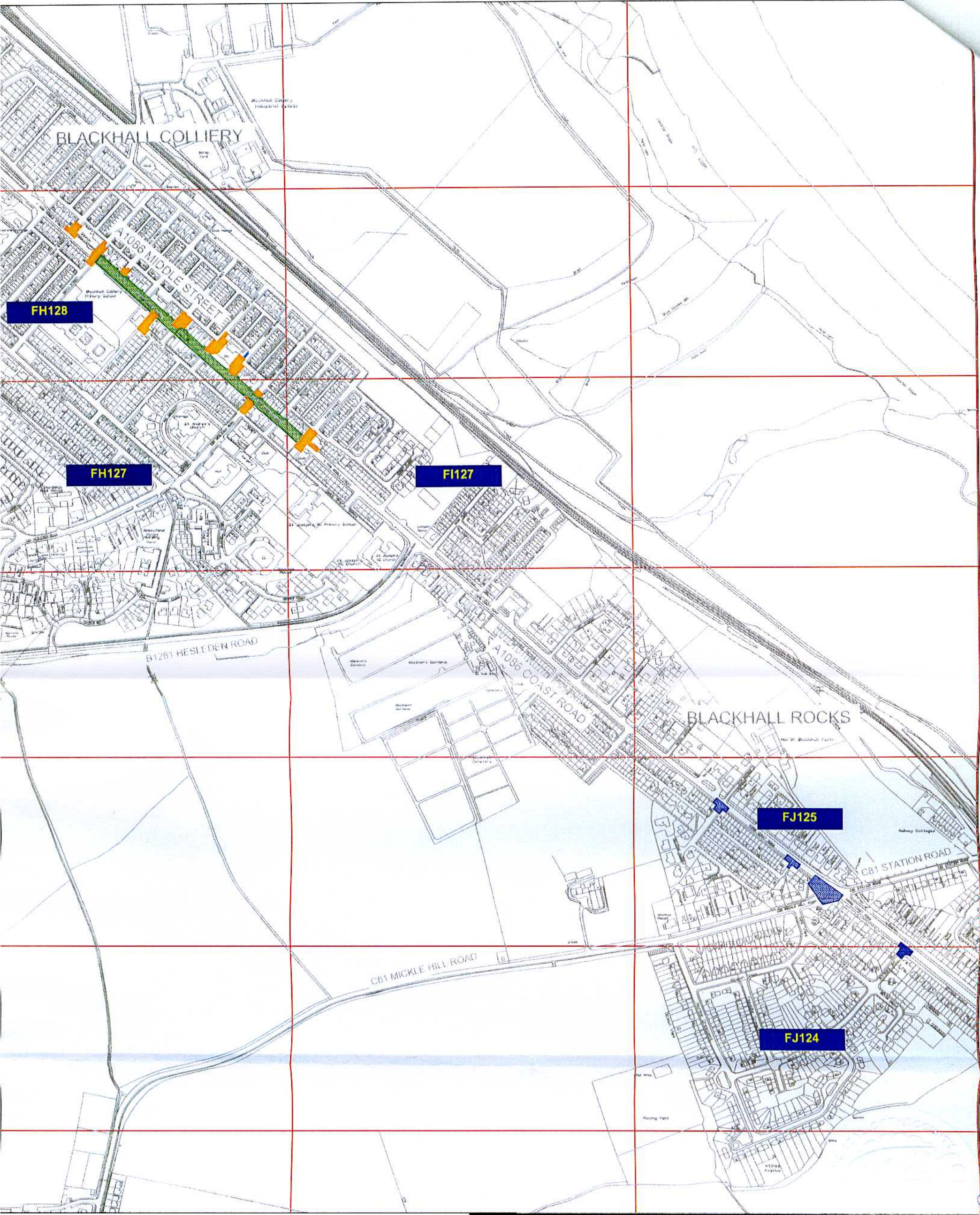
(BLACKHALL COLLIERY and BLACKHALL ROCKS.)

(PROHIBITION and RESTRICTION OF WAITING and 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 | <input checked="" type="checkbox"/> |
| (b) for preventing damage to the road or to any building on or near the road, or | <input type="checkbox"/> |
| (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or | <input checked="" type="checkbox"/> |
| (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 | <input type="checkbox"/> |
| (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 | <input type="checkbox"/> |
| (f) for preserving or improving the amenities of the area through which the road runs; or | <input type="checkbox"/> |
| (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). | <input type="checkbox"/> |



Key to Types of Restriction

	No Waiting At Any Time		Restricted Bay
	No Waiting and No Loading/Unloading At Any Time		Individual Plan Reference Number
	Restricted Waiting and Loading/Unloading		




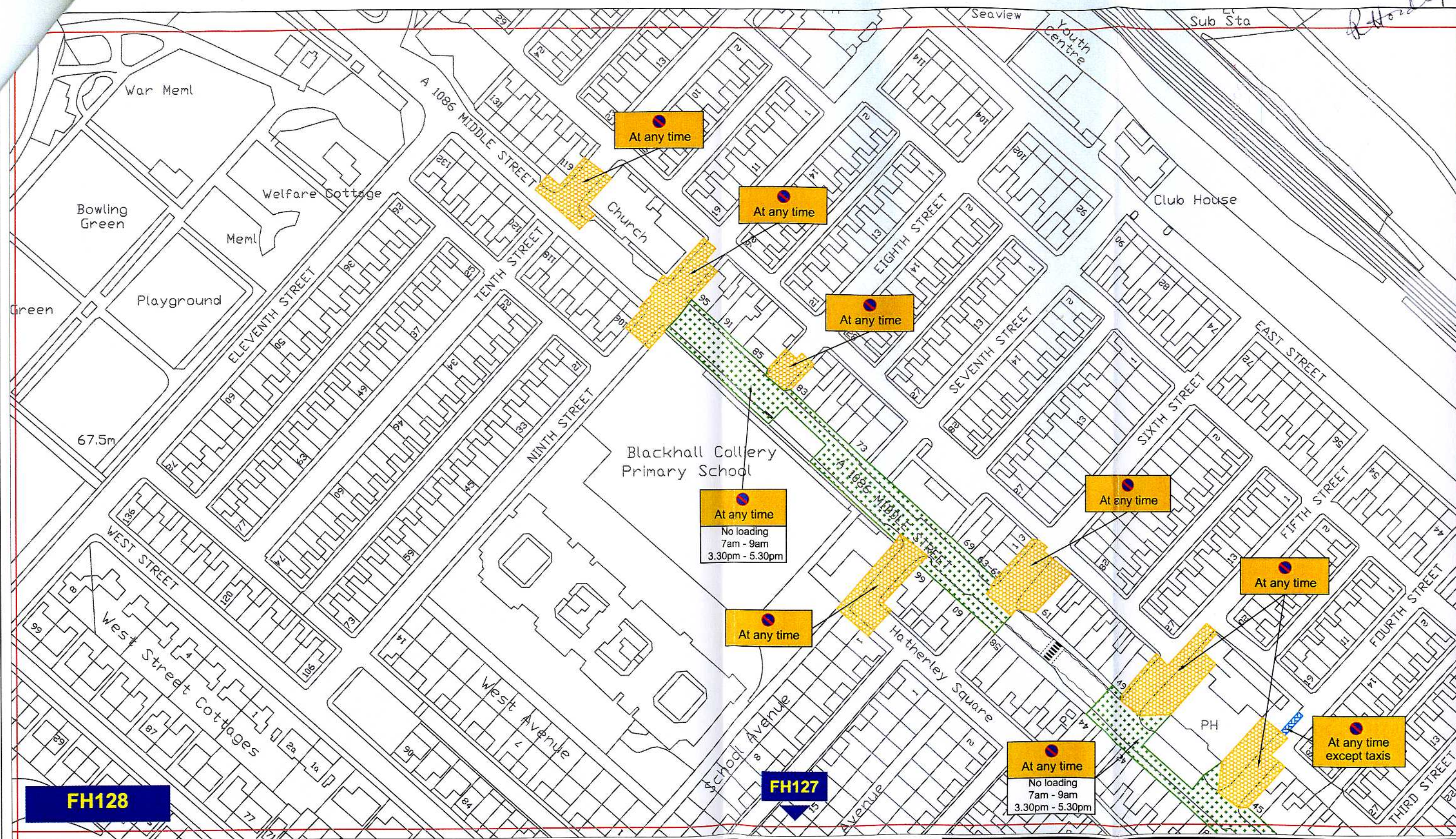
Corporate Director
Regeneration & Economic
Development

Strategic Traffic Management




County Hall, Durham DH1 5UQ

THE COUNTY COUNCIL OF DURHAM
BLACKHALL COLLIERY and BLACKHALL ROCKS
(PROHIBITION and RESTRICTION OF WAITING and
LOADING) ORDER 2010

Scale:	1:5000 @ A3		
Date:			
Drawn by:	M. DIXON	Signature:	
Date Sealed:	24.6.10	MASTERPLAN	



Key to Types of Restriction

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

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THE COUNTY COUNCIL OF DURHAM
BLACKHALL COLLIERY and BLACKHALL ROCKS
(PROHIBITION and RESTRICTION OF WAITING and
LOADING) ORDER 2010



Scale: 1:1250 @ A3

Date:

Drawn by: M. DIXON


Signature: 

Date Sealed: 24.6.10

Map Schedule: FH128



Key to Types of Restriction

 No Waiting and No Loading/Unloading At Any Time




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Scale:	1:1250 @ A3		
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P.H. 10/10



Key to Types of Restriction



No Waiting and No
Loading/Unloading At Any Time



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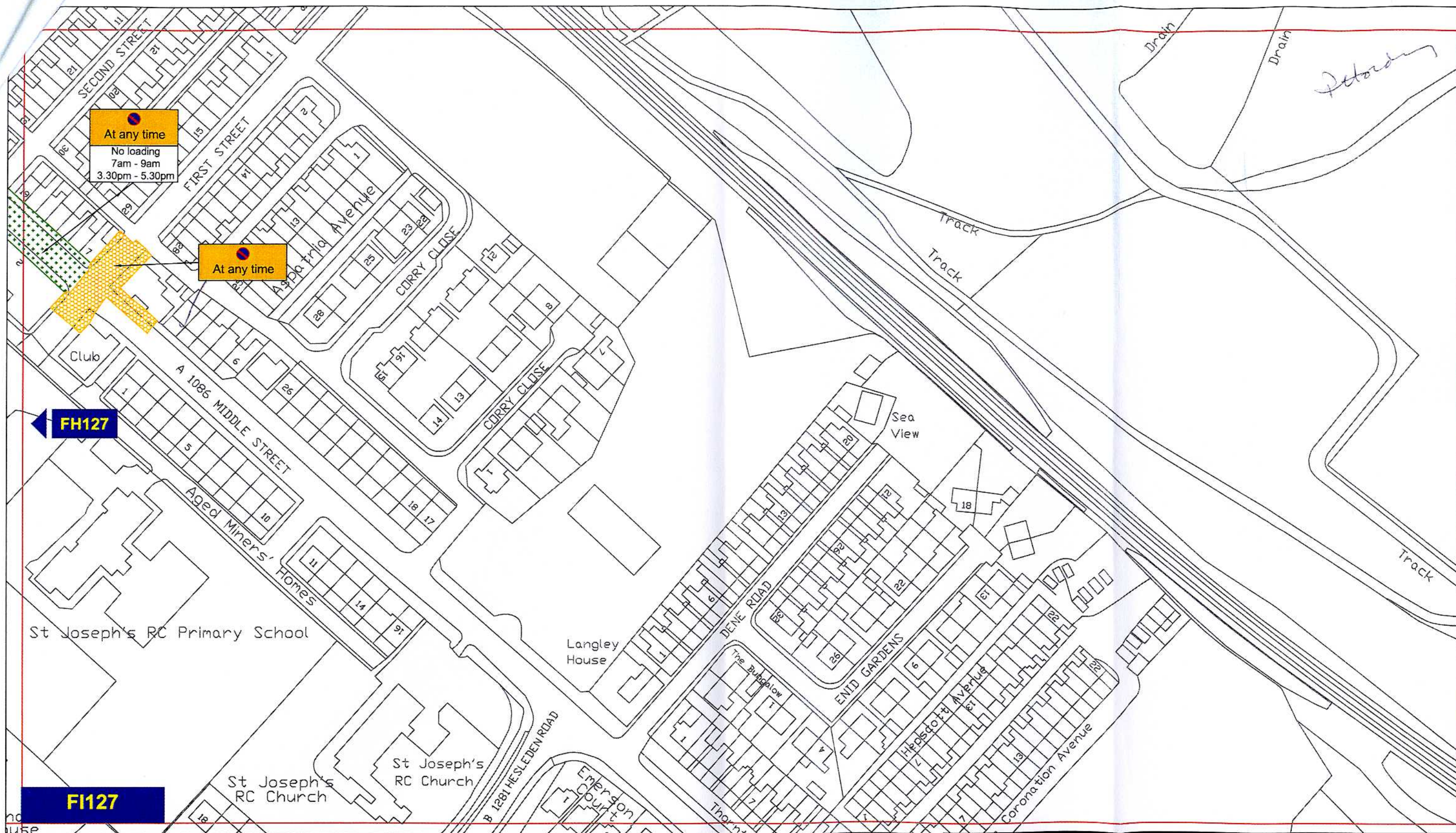
Drawn by: M. DIXON

Signature:

Date Sealed: 24.6.10

Map
Schedule: FJ124

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Key to Types of Restriction

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




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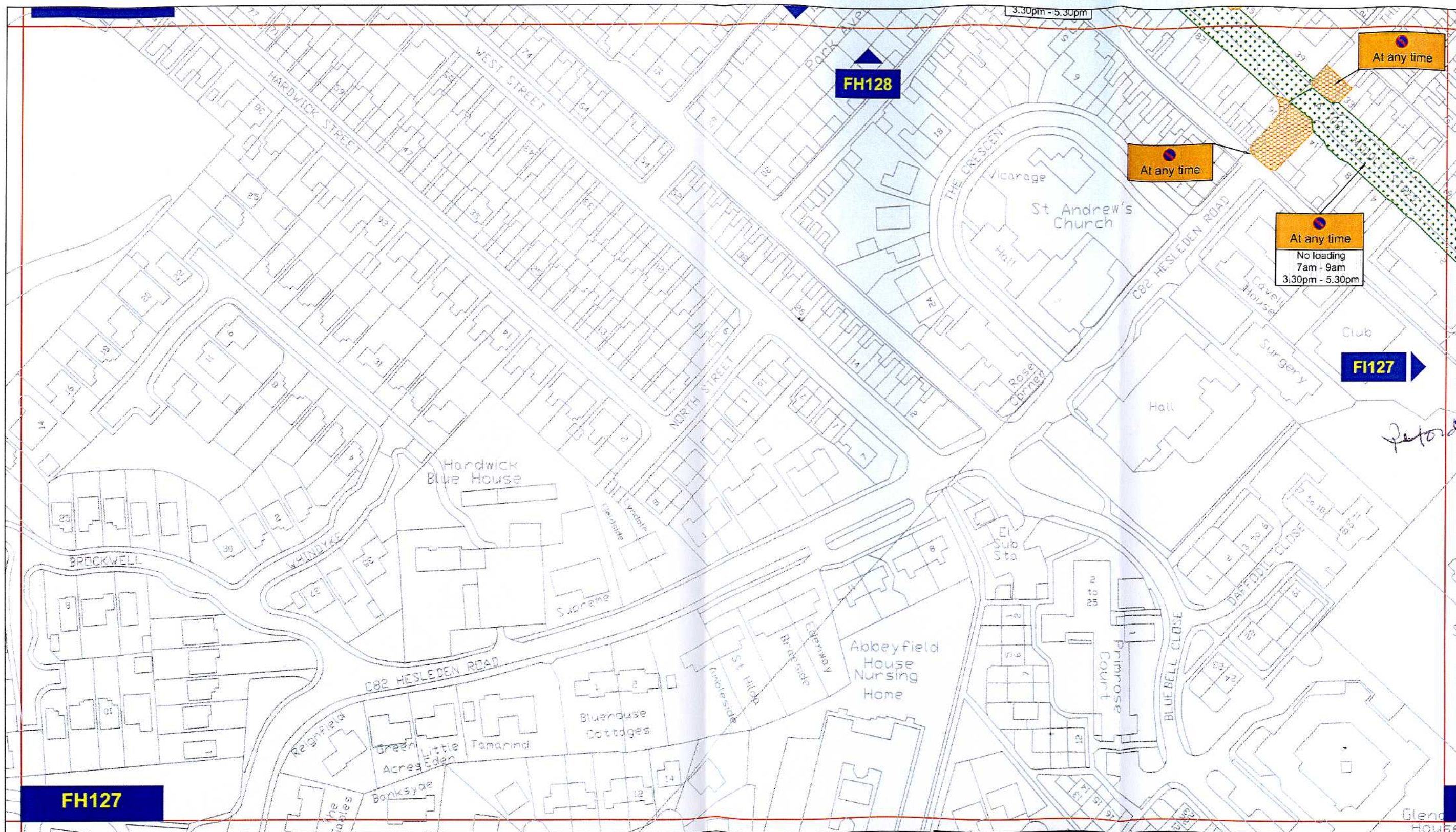
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(PROHIBITION and RESTRICTION OF WAITING and
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-  Restricted Waiting and Loading/Unloading



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