

HERTFORDSHIRE COUNTY COUNCIL

THE HERTFORDSHIRE (WALNUT TREE WALK, WARE) (RESTRICTED PARKING ZONE) ORDER 2022

NOTICE is given that the Hertfordshire County Council has made an Order under the Road Traffic Regulation Act 1984 to introduce a restricted parking zone on Walnut Tree Walk, Ware as specified in the Schedule to this Notice. The Order will come into effect on Monday 25 July 2022.

Documents giving more detailed particulars of the Order are held on deposit and may be viewed from 7 July 2022 to 18 August 2022 during normal office hours at Main Reception, Hertfordshire County Council, County Hall, Pegs Lane, Hertford or may also be viewed online from 7 July 2022 at www.hertfordshire.gov.uk/trafficorders by selecting East Herts and looking at Ref: EH01022.

Enquiries relating to the Order should be referred to the Highways Engineer concerned Philip Camp tel: 01992 658314 or philip.camp@hertfordshire.gov.uk

Any person wishing to question the validity of the Order, or of any provision contained in it, on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984, or on the grounds that any requirement of the Act or any Instrument made under it has not been complied with in relation to the Order, may within 6 weeks from the date of this Notice apply to the High Court for this purpose.

SCHEDULE: Restricted parking zone imposing No Waiting at any time restrictions within the zone – effecting that section of road herein listed and as set out in the Order and accompanying plan – Walnut Tree Walk, between its junction with Hoe Lane and the entrance to Presdales Recreation Ground Car Park.

County Hall
Hertford
Herts SG13 8DN

7 July 2022
Mark Kemp
Executive Director Environment and Transport

HERTFORDSHIRE COUNTY COUNCIL

**ROAD TRAFFIC REGULATION ACT 1984
TRAFFIC REGULATION ORDER**

Date: 1 July 2022

Order No: 8507

**THE HERTFORDSHIRE (WALNUT TREE WALK, WARE)
(RESTRICTED PARKING ZONE) ORDER 2022**

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The Hertfordshire County Council, in exercise of their powers under Sections 1, 2, 3 and 4 of the Road Traffic Regulation Act 1984 (which said act of 1984 is hereinafter referred to as the Act of 1984) and Part IV of Schedule 9 of the Act of 1984 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 1984 Act, hereby makes the following Order:

PART I - PRELIMINARY**Citation and commencement**

1. (a) This Order may be cited as “The Hertfordshire (Walnut Tree Walk, Ware) (Restricted Parking Zone) Order 2022” and shall come into effect on Monday 25 July 2022.
- (b) The Hertfordshire (Walnut Tree Walk, Ware) Restricted Parking Zone Plan, number **HC_77001038_26_001 R2** (hereinafter referred to as the “Restricted Parking Zone Plan”) is incorporated into this Order.

Interpretation

- 2.(1) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

“civil enforcement officer” has the meaning as given in the Traffic Management Act 2004.

“County Council” means the council of the County of Hertfordshire.

“Council” means East Hertfordshire District Council and includes any parking services contractors or authorised agent appointed by and acting on behalf of the Council for the purposes of any function under the provisions of this Order;

“designated officer” means an officer nominated by East Hertfordshire District Council to carry out Council functions associated with the provisions of this Order;

“disabled person’s vehicle” has the same meaning as in Section 142(1) of the Act of 1984;

“disabled person’s badge” has the same meaning as given in Regulation 3(1) of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

“driver”, in relation to a vehicle waiting in the restricted waiting zone, means the person driving the vehicle at the time it was left in the restricted waiting zone;

“enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“owner”, in relation to a vehicle, means the person by whom such vehicle is kept and used;

“penalty charge” and “penalty charge notice” have the same meaning as given in Regulation 2 of Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004.

“relevant position” has the same meaning as given in Regulation 4 of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

“Restricted Parking Zone” or “RPZ” is an area as shown in the “Restricted Parking Zone Plan” and indicated in the key to that plan as area’s of Walnut Tree Walk which are subject to parking restrictions;

“Restricted Parking Zone Plan” is the plan numbered **HC_77001038_26_001 R2**, inclusive of its Key, which is incorporated into this Order and its Schedule.

“telecommunication system” has the same meaning as in the Telecommunications Act 1984 (c.12);

the expressions “universal service provider”, “provision of a universal postal Service” and “postal packet” shall bear the same meanings as in Section 65 of the Postal Services Act 2011

- (2) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
- (3) 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.
- (4) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (5) The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

PART II - RESTRICTIONS

Section 1 – Provisions of the Order

General restriction on waiting

3. Save as provided in Article 4 of this Order no person shall cause or permit any Vehicle to wait, at any time on the areas of Road or sides of the Road as shown on the “Restricted Parking Zone Plan” where waiting, is not allowed as identified and shown on and defined in the Key to the “Restricted Parking Zone Plan”.

4. The following vehicles are exempt from the General restriction as set out in Article 3:
- (a) a vehicle, necessarily required for use in connection with any of the following operations, namely: -
 - (i) the removal of any obstruction to traffic,
 - (ii) the maintenance, improvement or reconstruction on the areas of Road or sides of Road; and
 - (iii) the laying, erection, alteration or repair in or on land adjacent to the Roads, lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line by a utility organisation while attending to their apparatus;
 - (b) a vehicle in the service of the Council or any other Local Authority whilst necessarily required for use in connection with highway works, highways and parking enforcement, waste collection, street cleansing activities or winter maintenance;
 - (c) a vehicle which is:
 - (i) required by law to stop; or
 - (ii) obliged to stop so as to prevent an accident; or
 - (iii) prevented from proceeding by circumstances outside his control; or
 - (iv) caused or permitted to stop or wait upon the direction or with the permission of a Police Constable in uniform.
 - (d) a vehicle being used for:
 - (i) fire and rescue, ambulance or police purposes; or
 - (ii) attendance at an emergency by a Doctor, a District Nurse or Midwife.

The Council may require evidence to show that there was a genuine emergency.
 - (e) a vehicle authorised by virtue of any special written dispensation by East Hertfordshire District Council.
 - (f) a marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected.
 - (g) a marked vehicle which, whilst used by a Civil Enforcement Officer in the course of the enforcement of waiting restrictions, is stationary only for so long as may be reasonably necessary for them to issue (or attempt to issue) a Penalty Charge Notice to a vehicle they believe to be parked in contravention of those restrictions or adjacent restrictions.
 - (h) a vehicle to waiting only for so long as may be reasonably necessary –
 - (i) to enable goods to be loaded on or unloaded from the vehicle from or to premises adjacent to the restricted area; or
 - (ii) to enable a passenger to board or alight and to load and unload any luggage

Provided that the waiting of the vehicle for that purpose does not obstruct or otherwise impede the free flow of traffic.
 - (j) a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc, to wait at any time in the lengths of road specified in Article 2 and Schedule of this Order for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle in the same length of road). Provided that the waiting of the vehicle for that purpose does not obstruct or otherwise impede the free flow of traffic.

Removal of a vehicle from the Restricted Waiting Zone

5. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in Article 3 of this Order have been contravened or not complied with in respect of a vehicle left in any part of the restricted parking zone, they may remove or cause to be removed the vehicle from the restricted parking zone and, where it is so removed, shall provide for the safe custody of the vehicle and its contents.

Movement of a vehicle in an emergency

6. A Civil Enforcement Officer or Police Constable in uniform may move or cause to be moved, in case of emergency, to any place they think fit, any vehicle left in the restricted parking zone.

PART III - SUPPLEMENTARY PROVISIONS

Section 1 – Penalty Charge Notices

Penalty Charge Notices

7. (1) Where a person contravenes any of the restrictions set out in the provisions of this Order, or a vehicle is left in the 'Restricted Parking Zone' otherwise than in accordance with the provisions of this Order, the Owner of the Vehicle in question shall incur a penalty charge.
- (2) That charge shall be payable to East Hertfordshire District Council in accordance with the instructions contained on the Penalty Charge Notice.

Period for which a vehicle may be left after a Penalty Charge has been incurred

8. The period for which a vehicle may be left in a restricted parking zone after a penalty charge has been incurred shall not exceed 30 minutes.

Restriction on the removal of Penalty Charge notices

9. (1) Where a penalty charge notice has been issued in accordance with the provisions of Article 7 and attached to a vehicle no person not being the driver of the vehicle shall remove the notice from the vehicle unless authorised to do so by the driver of that vehicle.
- (2) Provided that nothing herein shall apply to a Civil Enforcement Officer or Police Constable in uniform or person removing the vehicle in pursuance of an arrangement made by the police constable in uniform or under the regulations in pursuance of powers contained in Sections 99,100, 101 and 102 of the Act of 1984.

Section 2 – Schedule

SCHEDULE

Restricted Parking Zone Plan

Plan no **HC_77001038_26_001 R2** as incorporated into this Order.

Signed:



Gavin Milnthorpe

Assistant Chief Legal Officer

Dated 1 July 2022

STATEMENT OF REASONS

THE HERTFORDSHIRE (WALNUT TREE WALK, WARE) (RESTRICTED PARKING ZONE) ORDER 2022

Hertfordshire County Council is proposing to introduce a restricted parking zone in part of Ware.

The proposals will comprise of –

- Restricted Parking Zone restriction on Walnut Tree Walk, between its junction with Hoe Lane and the entrance to the Presdales Recreation Ground Car Park.

The proposals are to prevent injudicious parking in contravention of the recommendations of the Highway Code, Rule 243, namely near a school entrance, anywhere that would prevent access for Emergency Services and in front of an entrance to a property; thus keeping the road clear, so passage of vehicles is less restricted on a very narrow thoroughfare.

Therefore, having also considered the duty imposed under Section 122 Road Traffic Regulation Act 1984, it appears to the Highway Authority that it is necessary and expedient to make an Order in the interests of avoiding danger to persons or other traffic using the road and for preventing the likelihood of any such danger arising and for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).

The proposal has been subject to consultation with local and County Councillors representing the area and East Hertfordshire District Council. The local Police, Ambulance, Fire & Rescue Services, Hertfordshire County Council Passenger Transport Unit Council, Great Amwell Parish Council, Ware Town Council, Open Spaces, Middleton School, Pinewood School and local residents are also being consulted.

THE HERTFORDSHIRE (WALNUT TREE WALK, WARE) (RESTRICTED PARKING ZONE) ORDER 2022 PLAN NO HC_77001038_26_001 R2



A: Restricted Parking Zone terminal signs shown thus (Zone Ends not shown):



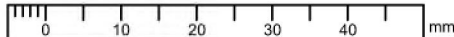
B: Restricted Parking Zone repeater signs - approximate location indicated thus:

C: Restricted Parking Zone shown thus:

NOTE:

1. The existing double yellow lines (not shown) are to be removed.
2. The sign sizes are shown in millimetres and are approximate in dimension and location.

1:1
@ A4



Rev	Date	Description of Revisions	Drawn	Chkd	Appr
R1	June 22	MADE ORDER	PAC	GT	TL
R2	June 22	AMENDMENT TO SIGN ANNOTATION	PAC	GT	TL



County Hall
Pegs Lane
Hertford, Herts
SG13 8DN
www.hertfordshire.gov.uk/highways

Notes

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Drawn	Designed	Checked	Approved	Approved Date
PAC	PAC	GT	TL	MAR 22
Signature	Signature	Signature	Signature	Scale(s)
				1:2000

Project

Highways Locality Budget 2021/22
Ware South ED
Permanent Traffic Regulation Order

Sheet

The Hertfordshire (Walnut Tree Walk, Ware)
(Restricted Parking Zone) Order 2022
EH/010/21

Project No.

HC_77001038_26_001

Sheet No.

001

Revision

R2

Signed:

Gavin Milnthorpe

Assistant Chief Legal Officer

Dated 1 July 2022

MADE ORDER