

**THE COUNCIL OF THE BOROUGH OF MILTON KEYNES
(BRINKLOW) (HEAVY COMMERCIAL VEHICLE
CONTROLLED PARKING ZONE) ORDER 2011**

The Council of the Borough of Milton Keynes ("the Council") in exercise of its powers under Sections 1(1), 2(1) to (3) and 32 of the Road Traffic Regulation Act 1984 ("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 Act of 1984, hereby makes the following Order:

PART 1

IMPLEMENTATION, CITATION, AND DEFINITIONS

1. This Order shall come into operation on the 10th day of June 2011 and may be cited as "The Council of the Borough of Milton Keynes (Brinklow) (Heavy Commercial Vehicle Controlled Parking Zone) Order 2011".
2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them: -

"Civil Enforcement Officer" has the same meaning as in Section 76 of the Traffic Management Act of 2004;

"Council" means Council of the Borough of Milton Keynes;

"heavy commercial vehicle" has the same meaning as defined in Section 138 of the Road Traffic Regulation Act 1984;

"Brinklow Controlled Parking Zone" is that area bounded by the H8 Standing Way between its junctions with V11 Tongwell Street and the H9 Groveway, the V11 Tongwell Street between its junctions with the H8 Standing Way and the H9 Groveway and the H9 Groveway between its junctions with the V11 Tongwell Street and the H8 Standing Way;

"restricted road" means a road which is subject to parking and waiting restrictions;

"road" means a highway and any other road to which the public has access;

"statutory undertaker" has the same meaning as in Section 329 of the Highways Act 1980;

"telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984;

"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 Road Traffic Regulation Act 1984;

"zone" means an area of carriageway authorised by and subject to the conditions of this Order for the leaving of a vehicle;

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
4. The plans annexed to this Order identify the lengths of road subject to this Order, provided that where there is any inconsistency between the plans and the Schedules it is the wording of the Schedules that shall prevail.

PART 2

ON-STREET HEAVY COMMERCIAL VEHICLE CONTROLLED PARKING ZONE

5. Each area on the highway which is described in Schedule 1 in this Order is designated as part of the Brinklow controlled parking zone for heavy commercial vehicles which have an operating weight in excess of 7.5 tonnes.
6. No person shall except with the permission or under the direction of a police officer in uniform, a civil enforcement officer or a traffic warden cause or permit any heavy commercial vehicle to wait at any time, except within the designated heavy commercial vehicle parking places, in any of the lengths of road described in Schedule 1 to this Order.

7. Nothing in Article 6 of this Order shall render it a contravention of this Order to cause or permit a heavy commercial vehicle to wait in any of the lengths of road described in Schedule 1 to this Order for so long as may be necessary:
- (1) when a person in control of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances outside his control;
 - (2) to enable the vehicle if it cannot reasonably be used for such purpose in any other road to be used in connection with any of the following:
 - a) building, industrial or demolition operations;
 - b) the removal of any obstruction to traffic;
 - c) the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
 - d) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;
 - e) use for police, fire brigade or ambulance purposes;
 - f) the removal of furniture or household effects to or from a shop, office, depository or dwellinghouse.
8. The limits of the Heavy Commercial Vehicle controlled parking zone shall be indicated by the appropriate traffic signs at all entry and egress points to the area covered by this Order.

PART 3

HEAVY COMMERCIAL VEHICLE PARKING PLACES

9. (1) Each of the lengths of road specified in Schedule 2 to this Order is authorised to be used, subject to the following provision of this Part of this Order, during the prescribed hours as a parking place for the class of vehicle specified in Article 10.

(2) No vehicle other than the class specified in Article 10 shall park during the prescribed hours in the lengths of road specified in Schedule 2 to this Order.
10. Each parking place specified in Schedule 2 to this Order may be used for the leaving of a heavy commercial vehicle which has an operating weight in excess of 7.5 tonnes.
11. The limits of each heavy commercial vehicle parking place shall be indicated by the Council on the road by the appropriate traffic signs and any vehicle standing in a heavy commercial vehicle parking space shall stand wholly within the limits so marked.
12. The driver of a vehicle using a heavy commercial vehicle parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine of the vehicle except when about to change the position of the vehicle in or to depart from the parking place.
13. (1) A police officer in uniform or traffic warden or a civil enforcement officer may in case of emergency move or cause to be moved any vehicle left in a heavy commercial vehicle parking place to any place he thinks fit.

(2) Any person authorised to remove a vehicle or alter its position by virtue of paragraph (1) of this Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the

vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.

14. Nothing in this Part of this Order shall render it a contravention of this Order to cause or permit a vehicle to park in a heavy commercial vehicle parking place during the prescribed hours specified in Schedule 2 for so long as may be necessary:

(1) when the person in control of the vehicle is required by law to stop or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstances outside his control;

(2) to enable a person to board or alight from the vehicle;

(3) to enable the vehicle if it cannot reasonably be used for such purpose in any other road to be used in connection with any of the following:

a) building, industrial or demolition operations;

b) the removal of any obstruction to traffic;

c) the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;

d) use in the service of any undertaker, the Environment Agency or any public authority in pursuance of statutory powers or duties;

e) use for police, fire brigade or ambulance purposes;

f) use for the purpose of delivering or collecting postal packets as defined by section 125 of the Postal Services Act 2000;

g) the vehicle being specially constructed or adapted for the delivery or collection of money or valuable securities to be

used for those purposes in relation to premises in the vicinity;

- h) the removal of furniture or household effects to or from a shop, office, depository or dwelling house adjacent to the heavy commercial vehicle parking place.

15. (1) Any person authorised by the Council may suspend the use of a heavy commercial vehicle parking place or any part thereof whenever and for such duration as the Council considers such suspension reasonably necessary:

- a) for the purpose of facilitating the movement of traffic or promoting its safety;
- b) for the purpose of building, industrial or demolition operations;
- c) for the purpose of the maintenance, improvement or reconstruction of the parking place;
- d) for the purpose of the laying, erection or repair of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or any telecommunication system defined by the Telecommunications Act 1984;
- e) for the convenience of occupiers of premises adjacent to the heavy commercial vehicle parking place on any occasion of the removal of furniture or household effects to or from a shop, office depository or dwelling house;
- f) on any occasion on which it is likely by reason of some special attraction that any road will be thronged or obstructed;

(2) A police officer in uniform or traffic warden or civil enforcement officer may suspend for not longer than twenty-four hours the use of a heavy commercial vehicle parking place or any part thereof whenever he considers such

suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

- (3) Without prejudice and in addition to all other enabling powers the Council shall have the power from time to time as it deems appropriate to close or suspend for as long as it considers necessary the use of a heavy commercial vehicle parking place for the purpose of enabling such parking place to be used by exhibition or public information vehicles of official or quasi official authorities or bodies whose contents are intended to be and are made available for inspection by and for the public without any charge of any kind being made to the public.
16. On the suspension of the use of a heavy commercial vehicle parking place or any part thereof in accordance with the provisions of Article 15 of this Order the person authorising or causing such suspension shall, if the use of the whole or of any part of the parking place is suspended, place or cause to be placed in or adjacent to that parking place a traffic sign indicating that the use of the parking place is suspended and that waiting, or waiting and loading by vehicles is prohibited.
 17. (1) Save as in paragraph (2) of this Article no person shall cause or permit a vehicle to be left in a heavy commercial vehicle parking place or part thereof during any period when there is in or adjacent to that parking place or part thereof a traffic sign placed in pursuance of Article 16 of this Order that the whole or part of that parking place has been suspended.
 - (2) Subject to the overriding requirement that the person in control of the vehicle shall move it on the instruction of a police officer in uniform or traffic warden or a civil enforcement officer whenever such moving shall be necessary for the purpose of preventing obstruction, nothing in paragraph (1) of this Article shall render it a contravention of this Order to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose or eventuality specified in paragraph (1) of Article 15 of this Order to be left in a heavy commercial

vehicle parking place or part thereof during any such period when the use thereof has been suspended, or to any other vehicle so left if that vehicle is left with the permission of a police officer in uniform or a traffic warden or a civil enforcement officer.

PART 4

ENFORCEMENT OF RESTRICTIONS

18. The Council shall, on or in the vicinity of a restricted road;
 - (1) Highlight each restricted area with notices, signs and road surface markings in accordance with the Traffic Signs Regulations and General Directions Act 2002;
 - (2) Maintain and from time to time alter the said notices, signs and road-surface markings;
 - (3) Carry out such other work as is reasonably required for the purpose of the satisfactory operation of a restricted road.
19. The Council shall appoint Civil Enforcement Officers whose duty it shall be to patrol and enforce the waiting and parking restrictions imposed by the Articles of this Order.

SCHEDULE 1

CONTROLLED PARKING ZONE - **PROHIBITION OF WAITING OF HEAVY COMMERCIAL VEHICLES,** **EXCEPT WITHIN DESIGNATED HEAVY COMMERCIAL VEHICLE** **PARKING PLACES**

24 HOURS OF EVERY DAY

BRANSWORTH AVENUE, BRINKLOW - BOTH SIDES
CPZ1 The whole road

BRUDENELL DRIVE, BRINKLOW - BOTH SIDES

CPZ2 The whole road

ETHERIDGE AVENUE, BRINKLOW - BOTH SIDES

CPZ3 The whole road

HARDING ROAD, BRINKLOW - BOTH SIDES

CPZ4 The whole road

SCHEDULE 2

HEAVY COMMERCIAL VEHICLE PARKING PLACES

24 HOURS OF EVERY DAY

BRANSWORTH AVENUE, BRINKLOW - EAST SIDE

HV1 From a point approximately 45 metres south of its junction with Harding Road for a distance of approximately 21 metres in a southerly direction.

WEST SIDE

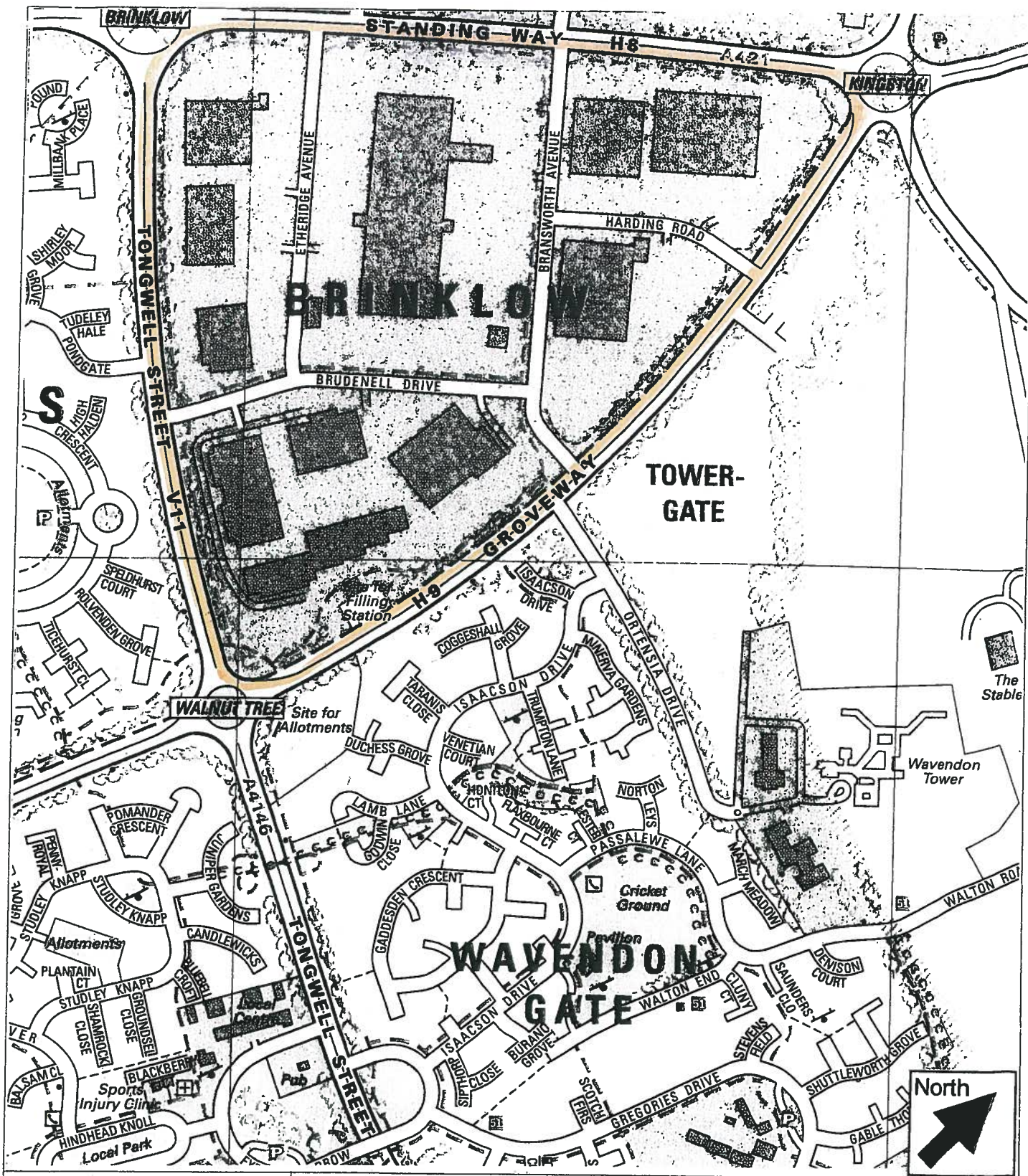
HV2 From a point approximately 45 metres north of its junction with Brudenell Drive for a distance of approximately 37 metres in northerly direction.

BRUDENELL DRIVE, BRINKLOW - SOUTH SIDE

HV3 From a point approximately 35 metres east of its junction with Etheridge Avenue for a distance of approximately 35 metres in an easterly direction.

NORTH SIDE

HV4 From a point approximately 76 metres west of its junction with Bransworth Avenue for a distance of approximately 37 metres in a westerly direction.



NOTES:



Heavy Commercial
Vehicle Controlled
Parking Zone

Map referred to in the Council of the Borough of
Milton Keynes (Brinklow) (Heavy Commercial
Vehicle Controlled Parking Zone) Order 2011

Map 1

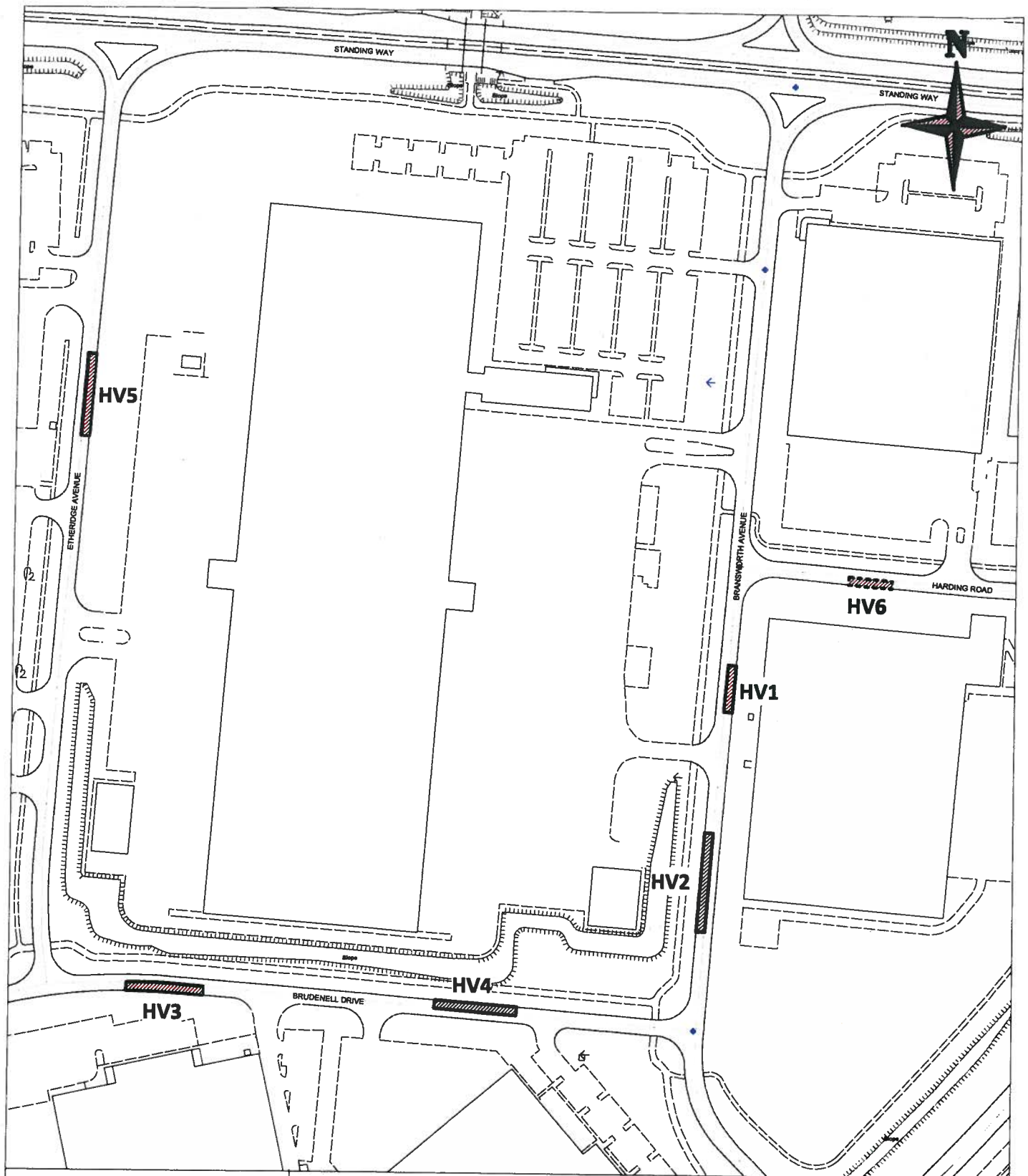
Not to scale

The Common Seal of the Council of the Borough
of Milton Keynes was hereunto affixed in the
presence of:

Assistant Director - Law and Governance
PRINCIPAL SOLICITOR



19576



NOTES:



Heavy Commercial
Vehicle Parking
Places

HV1, HV2 TRO reference
HV3, HV4 numbers
HV5, HV6

Map referred to in the Council of the Borough of
Milton Keynes (Brinklow) (Heavy Commercial
Vehicle Controlled Parking Zone) Order 2011

Map 2

Not to scale

The Common Seal of the Council of the Borough
of Milton Keynes was hereunto affixed in the
presence of:

Assistant Director - Law and Governance
PRINCIPAL SOLICITOR



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ETHERIDGE AVENUE, BRINKLOW - EAST SIDE

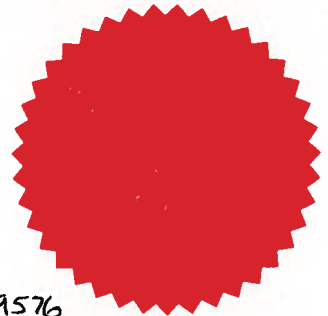
HV5 From a point approximately 140 metres south of its junction with the (H8) Standing Way for a distance of approximately 37 metres in a southerly direction.

HARDING ROAD, BRINKLOW - SOUTH SIDE

HV6 From a point approximately 50 metres east of its junction with Bransworth Avenue for a distance of approximately 19 metres in an easterly direction.

THE COMMON SEAL OF the **COUNCIL OF
THE BOROUGH OF MILTON KEYNES** was
hereunto affixed this 7th day of *June* 2011
in the presence of:-

.....
~~ASSISTANT DIRECTOR-LAW & GOVERNANCE~~
PRINCIPAL SOLICITOR



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