

**THE COUNTY OF PEMBROKE (THE A487 (HIGH STREET A40 TO WEST STREET A487)  
LINK ROAD AND SIDE ROADS, FISHGUARD) (PROHIBITION AND RESTRICTION OF  
WAITING AND LOADING) ORDER 2019**

The Pembrokeshire County Council in exercise of its powers under sections 1, 2, 4, 32, 35, 45, 46, 49, 53, 101, 102, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the Act of 1984) as amended, the provisions of the Traffic Management Act 2004 (the 2004 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 of 1984, hereby makes the following Order.

**PART 1 – PRELIMINARY**

Citation and commencement

1. This Order shall come into operation on the 31 day of May 2019 and may be cited as 'The County of Pembrokeshire (The A487 (High Street A40 to West Street A487) Link Road and Side Roads, Fishguard) (Prohibition and Restriction of Waiting and Loading) Order 2019'.

Interpretation

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

**“Civil enforcement officer”** means a person authorised by or on behalf of the Council to supervise parking places and enforce restrictions imposed by this Order and has the same meaning as in the 2004 Act;

**“Council”** means Pembrokeshire County Council and includes any duly authorised member of staff, any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

**“Driver”** means the person driving the vehicle at the time it was left in the restricted or prohibited area, length or side of road;

**“Goods”** means goods of any kind whether animate or inanimate and includes postal packets of any kind;

**“Immobilisation device”** has the same meaning as in Section 104(9) of the 1984 Act;

**“Goods vehicle”** means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description;

**“Loading / unloading”** means the loading or unloading of goods to or from a vehicle;

**“No loading hours”** means in relation to any no loading road the hours during which loading and unloading is restricted in the Schedules;

**“Owner”** in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

**“Passenger vehicle”** means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer and as defined in the 2002 Regulations;

**“Prohibited hours”** means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified in the Schedules;

**“Prohibited road”** means any of the sides or lengths of roads specified in the Schedules where waiting is prohibited provided that the expression “prohibited road” shall not include any parking place;

**“Relevant position”** in respect of a waiver certificate means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle;

**“Restricted hours”** means in relation to any restricted road the hours during which waiting is restricted as specified in the Schedules;

**“Restricted road”** means any of the sides or lengths of roads specified in the Schedules where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression “restricted road” shall not include any parking place;

**“Side of road”** means all of that carriageway and adjacent footway and/or verge between the centre of the road and the edge of the adopted public highway.

**“The 2002 Regulations”** means the Traffic Signs Regulations & General Directions as amended;

**“The 2004 Act”** means the Traffic Management Act 2004;

**“The 1984 Act”** means the Road Traffic Regulation Act 1984;

**“Vehicle & motor vehicle”** means, subject to Section 20 of the Chronically Sick & Disabled Persons Act 1970, a mechanically propelled vehicle intended or adapted for use on the road;

**“Waiver or dispensation certificate”** means a certificate issued by or on behalf of the Council, on receipt of the prescribed fee, for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited.

3. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to a Schedule is a reference to a Schedule incorporated into this Order.

4. 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.

5. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by this Order were Acts of Parliament thereby repealed.

## **PART 2 – PROHIBITION OF WAITING LOADING AND UNLOADING**

### **Prohibition of waiting, loading and unloading**

6. Save as provided in Articles 7 and 8 no person shall, except upon the direction or with the permission of a civil enforcement officer or police officer in uniform, cause or permit any vehicle to wait, load or unload at any time on the length or lengths of road or sides of road specified in Schedule 1 attached to this Order.

## **PART 3 – GENERAL EXEMPTIONS**

7. Nothing in Article 6 of this Order shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road for so long as may be necessary to:

(a) be used in connection with any of the following operations, namely:

(i) building operations;

(ii) the removal of any obstruction to traffic;

(iii) the maintenance, improvement or reconstruction of the said lengths of road;

(iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road, verge or footway of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system,

(b) enable the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;

- (c) the vehicle of the Royal Mail or other universal service provider to be used for the purpose of delivering and/or collecting mail;
- (d) in any case where the person in control of the vehicle,
  - (i) is required by law to stop;
  - (ii) is obliged to stop so as to prevent an accident, or
  - (iii) is prevented from proceeding by circumstances outside his/her control;
- (e) enable the vehicle to be used in an emergency for fire and rescue, ambulance or police purposes;

Waiting by vehicle displaying a waiver certificate

8. Nothing in this Order shall prevent any person from causing or permitting a vehicle to wait in any of the roads, lengths of road or on the sides of road if it is displaying in the relevant position a valid waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said permit or certificate.

**PART 4 - CONTRAVENTION OF ORDER**

9. If a vehicle is left on any road, length of road or on the sides of road as contained in the Schedule, and is in contravention of any provision of this Order, a penalty charge shall be payable.

10. In the case of a vehicle in respect of which a penalty charge is payable, a Penalty Charge Notice showing the information required by the Traffic Management Act 2004 may then be issued by a Civil Enforcement Officer in uniform and attached to the vehicle in a conspicuous position in accordance with the said Act.

11. A penalty charge notice affixed to a vehicle in accordance with the provisions of Article 9 shall not be removed or interfered with except by or under the authority of the owner or person in charge of the vehicle or the Council.

12. If a vehicle is left after a penalty charge has been incurred, a Civil Enforcement Officer in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of the 2004 Act and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.

**PART 5 - GENERAL**

Waiver certificate

13. The Council may issue a Parking Waiver to allow a vehicle to wait in specified circumstances on any road, length of road or on the sides of road where the waiting would otherwise be restricted or prohibited, subject to:-

- (a) being satisfied that it is essential for that vehicle to wait on the verge or footway;
- (b) specifying the times when the vehicle may wait on the verge or footway, provided that the certificate is displayed in the relevant position;
- (c) receiving an application, at least 72 hours in advance, to allow a waiver certificate to be issued;
- (d) them receiving an administration fee, as specified.

14. A waiver certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

15. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the 1984 Act or by or under any other enactment.

**PART 6 - VALIDITY**

16. If a Court, the Department for Transport, the Welsh Government, the Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

**GIVEN** under the Common Seal of the Pembrokeshire County Council this 14<sup>th</sup> day of May,  
Two thousand and Nineteen.

**THE COMMON SEAL OF PEMBROKESHIRE  
COUNTY COUNCIL** was hereunto affixed in the

presence of:-



**Authorised Signatory**

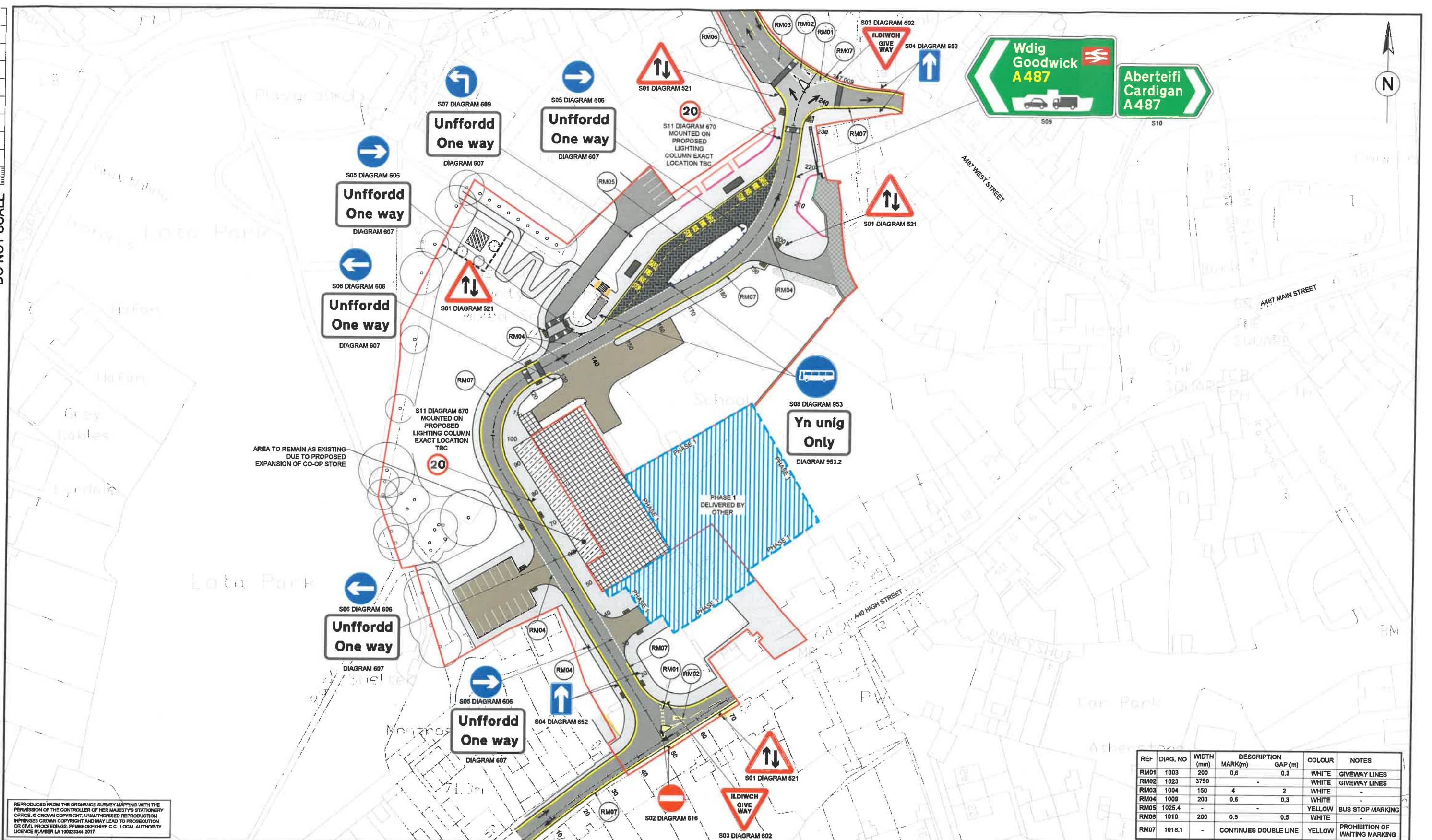


**SCHEDULE 1**

**Prohibition of waiting, loading and unloading at any time**

Location	Description
<b>Fishguard</b> A487 High Street (A40) to West Street (A487) Link Road Both sides	From the junction with High Street (A40) to the junction with West Street (A487)
<b>North west no through side road</b> Both sides	From the junction with the A487 link road, north east to the parallel parking bays located at the north eastern most end of the road.
<b>Eastern no through side road</b> Both sides	From the junction with the A487 link road, east for 23 metres.

100  
0 10  
Millimetres  
DO NOT SCALE



AREA TO REMAIN AS EXISTING  
DUE TO PROPOSED  
EXPANSION OF CO-OP STORE

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REF	DIAG. NO	WIDTH (mm)	DESCRIPTION MARK(m)	GAP (m)	COLOUR	NOTES
RM01	1003	200	0.6	0.3	WHITE	GIVEWAY LINES
RM02	1023	3750	-	-	WHITE	GIVEWAY LINES
RM03	1004	150	4	2	WHITE	-
RM04	1009	200	0.6	0.3	WHITE	-
RM05	1025.4	-	-	-	YELLOW	BUS STOP MARKING
RM06	1010	200	0.5	0.5	WHITE	-
RM07	1018.1	-	-	-	YELLOW	PROHIBITION OF WAITING MARKING

- GENERAL NOTES:**
- ALL DIMENSIONS ARE IN METRES UNLESS NOTES OTHERWISE.
  - ONLY WRITTEN DIMENSIONS SHALL BE USED, DO NOT SCALE.
  - ALL PROPOSED SIGNS TO BE IN ACCORDANCE WITH TSGRD 2016.
  - FOR SIGN FACE & FOUNDATION DETAILS REFER TO DRAWING NUMBER PE01-501-ATK-HSN-SWMWREC-DR-D-1201.
  - SIGN MATERIAL TO BE IN ACCORDANCE WITH BS EN 12899-1-2007.
  - ALL PROPOSED SIGNS DO NOT REQUIRE ILLUMINATION.
  - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DRAWINGS.
  - SHE INFORMATION TO BE READ IN CONJUNCTION WITH PCI.

- LOCATION OF ALL STREET FURNITURE TO BE OFFSET A MINIMUM OF 450mm FROM EDGE OF CARRIAGEWAY.
  - LOCATION OF ALL SIGNS TO BE CONFIRMED ON SITE BY ENGINEER.
  - FOR POST FOUNDATION DETAILS REFER TO STANDARD DETAILS AND APPENDIX 12/1.
- KEY:**
- PROPOSED SIGN POST

**SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION**

In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following significant residual risks (Reference shall also be made to the design hazard log).

**Construction**  
LIVE TRAFFIC, PROXIMITY TO RESIDENTIAL AND COMMERCIAL PROPERTIES, PROXIMITY TO CO-OP STORE & CAR PARK, PROXIMITY TO LIVE UTILITIES INCLUDING 11kV CABLE.

**Maintenance / Cleaning**  
LIVE TRAFFIC, PROXIMITY TO RESIDENTIAL AND COMMERCIAL PROPERTIES, PROXIMITY TO CO-OP STORE & CAR PARK, PROXIMITY TO LIVE UTILITIES INCLUDING 11kV CABLE.

**Use**  
NONE

**Decommissioning / Demolition**  
LIVE TRAFFIC, PROXIMITY TO RESIDENTIAL AND COMMERCIAL PROPERTIES, PROXIMITY TO CO-OP STORE & CAR PARK, PROXIMITY TO LIVE UTILITIES INCLUDING 11kV CABLE.

Rev.	Date	Description	Org	Chkd	App'd	Auf'd
001	05/01/18	First Issue	AJ	CD	CD	CK
002	28/08/18	Amendments to Adjacent Landowner Tie-In Details	CD	CD	CD	CK

FOR CONSTRUCTION

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**PEMBROKESHIRE COUNTY COUNCIL**

Project Title	Design Status	Project Ref. No.			
CHIMNEYS LINK	A	5123684			
Drawing Title	Scale	Originator	Checked	Approved	Authorised
PROPOSED TRAFFIC SIGNS AND ROAD MARKINGS	1:500	CD	CD	CD	CK
Date	Date	Date	Date	Date	
24/08/18	24/08/18	24/08/18	24/08/18	28/08/18	
Drawing Number	Project	Originator	Volume	Project Ref. No.	
PE01-501-ATK-HSN-SWMWREC-DR-D-1200				5123684	
Location	Type	Role	Number	Revision	
				C02	

