

THE COUNTY OF CUMBRIA (CENTRAL AREA KENDAL)
(PEDESTRIANISATION AND TRAFFIC REGULATION) (ORDER 2005)
VARIATION (NO.1) ORDER 2006

The County Council of Cumbria in exercise of its powers under Sections 1, 2(1) to (4), 4, 19, 32, 35, 35A, 38, 45, 46, 47, 49, 51, 53 and 64 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") after consultation with the Chief Constable of Cumbria in accordance with Part III of Schedule 9 to the Act hereby makes the following order:-

1. The County of Cumbria (Central Area Kendal) (Pedestrian Priority) (Phase 2) Order 2005 which came into operation on 21st November 2005 shall forthwith be known as The County of Cumbria (Central Area, Kendal) (Pedestrianisation and Traffic Regulation) Order 2005 ("the 2005 Order").
2. The 2005 Order shall have effect as though: -
 - (a) In all instances where the words "Pedestrian Priority Zone" appear, they are replaced with the words "Pedestrian Zone".
 - (b) The following were added to Schedule 2 "No Waiting At Any Time": -

<u>Street Name</u>	<u>Restricted Length</u>
Allhallows Lane (north side)	From a point 31m west of its junction with Highgate (building line) westwards for a distance of 8m.
Highgate (east side)	From the centre of its junction with Lowther Street southwards for a distance of 19m.

- (c) The following was added as Part 4A and Article 10A: -

PART 4A

LOADING & UNLOADING ONLY - AT ALL TIMES

- 10A. Save as provided in Article 9 to this Order, no person shall cause or permit any vehicle to wait, at any time, on any day, in the lengths of road or sides of road specified in Schedule 3A to this Order, unless the vehicle is being used for the purpose of loading or unloading.

- (d) The following was added as Schedule 3A "Loading & Unloading Only – At All Times": -

SCHEDULE 3A

LOADING & UNLOADING ONLY – AT ALL TIMES

<u>Street Name</u>	<u>Restricted Length</u>
Highgate, Kendal (east side)	From a point 19m south of the centre of its junction with Lowther Street southwards for a distance of 7m.
Library Road (west side)	From a point 12m north of the centre of its junction with Woolpack Yard northwards for a distance of 13m.

- (e) The following was added as Article 11(3): -

11. (3) Subject to Article 12 of this Order each of the parts of roads specified in Schedule 5A to this Order is authorised to be used as a parking place for disabled persons vehicles between the hours of 8.00 am and 6.00 pm, seven days a week, for a period not exceeding three hours (not being a period separated by an interval of less than one hour from the previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day).

- (f) The following was added as Schedule 5A "Disabled Persons' Parking Places in Highgate, Kendal between 8.00 am and 6.00 pm, 7 days a week, Waiting Limited to 3 Hours, Return Prohibited within 1 hour": -

SCHEDULE 5A

DISABLED PERSONS' PARKING PLACES IN HIGHGATE, KENDAL

Part of Road Authorised to be used as parking place	Position in which Vehicles may wait	Classes of Vehicle	Days of Operation of Parking place	Hours of Operation of Parking Places	Time Limits on waiting
Highgate, Kendal (east side), from a point 26m south of the centre of its junction with Lowther Street southwards for a distance of 30m	Parallel to the kerb with the front of the vehicle facing northwards and as indicated by road markings on the surface of the carriageway	Disabled Person's Vehicles	All days of the Week	8 am - 6 pm	3 Hours, return prohibited within 1 hour

- (g) The entries in Schedule 3 "Loading & Unloading Only – Between 4.00 pm and midnight and between midnight and 11.00 am the following day (Monday to Friday inclusive) and between 4.00 pm and midnight and between midnight and 10.00 am the following day (Saturday and Sunday)" which relate to Stricklandgate and Highgate, Kendal, were replaced by the following: -

<u>Street Name</u>	<u>Restricted Length</u>
Stricklandgate, Kendal (east side)	From a point 7m north of the north side of its junction with Market Place northwards for a distance of 17m.
	From a point 14m south of the south side of its junction with Market Place southwards for a distance of 31m.
Highgate, Kendal (east side)	From a point 21m south of the south side of its junction with Finkle Street southwards for a distance of 25m.

- (h) The entry in Schedule 10 "Mandatory Contra-Flow Cycle Lane" relating to Highgate/Stricklandgate, Kendal (northbound lane only), was deleted in its entirety.
- (i) The entries in Schedule 14 "No Loading, Monday – Friday Inclusive – 11 am – 4 pm, Saturday & Sunday – 10 am – 4 pm" which relate to Stricklandgate and Highgate, were replaced by the following: -

<u>Street Name</u>	<u>Restricted Length</u>
Stricklandgate (east side)	From a point 7m north of the north side of its junction with Market Place northwards for a distance of 17m.
	From a point 14m south of the south side of its junction with Market Place southwards for a distance of 31m.
Highgate, Kendal (east side)	From a point 21m south of the south side of its junction with Finkle Street southwards for a distance of 25m.

- (j) The following was added as Part 11A and Articles 27A, 27B and 27C: -

PART 11A

PARKING PLACES FOR TAXIS/HACKNEY CARRIAGES ONLY

- 27A. Save as provided in Article 27C of this Order, no person shall except upon the direction of a Police Constable in uniform or of a Parking Attendant, cause or permit any vehicle, other than a taxi/hackney carriage to wait, at any time, seven days a week, in the lengths of road specified in Schedule 11A to this Order.
- 27B. Save as provided in Article 27C of this Order, no person shall except upon the direction of a Police Constable in uniform or of a Parking Attendant, cause or permit any vehicle, other than a taxi/hackney carriage to wait, between the hours of 6 pm and 8 am the following day, seven days a week, in the lengths of road specified in Schedule 11B to this Order.
- 27C. Nothing in Articles 27A or 27B of this Order shall render it unlawful to cause or permit any vehicle to wait in the lengths of road referred to therein if the vehicle is: -
- (a) waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accidents;
 - (b) a vehicle used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority or water authority which is being used in pursuance of statutory powers or duties;
 - (c) waiting to enable it to be used in connection with the removal of any obstruction to traffic;
 - (d) being used by statutory undertakers or their contractors in connection with the laying erection alteration or repair in or in land adjacent to that length of road of any sewer or of any main pipe or apparatus for the supply of water gas or electricity or of any telecommunications apparatus as defined in Schedule 2 of the Telecommunications Act 1984

- (k) The following was added as Schedule 11A "Parking Places for Taxis/Hackney Carriages Only – At All Times": -

SCHEDULE 11A

PARKING PLACES FOR TAXIS/HACKNEY CARRIAGES ONLY – AT ALL TIMES

<u>Street Name</u>	<u>Restricted Length</u>
Highgate, Kendal (east side)	From a point 7m south of the south side of its junction with Finkle Street southwards for a distance of 14m.

- (l) The following was added as Schedule 11B "Parking Places for Taxis/Hackney Carriages Only – 6.00 pm – 8.00 am Full Week": -

SCHEDULE 11B

PARKING PLACES FOR TAXIS/HACKNEY CARRIAGES ONLY – 6.00 PM – 8.00 AM FULL WEEK

<u>Street Name</u>	<u>Restricted Length</u>
Highgate, Kendal (east side)	From a point 26m south of the south of the the centre of its junction with Lowther Street southwards for a distance of 30m.

- (m) The following entry in Schedule 13 "No Loading/Unloading At Any Time", was deleted: -

Library Road Its entire length

and replaced with the following: -

Library Road Both sides for its entire length except for the following length:-
west side – from a point 12m north of the centre of its junction with Woolpack Yard northwards for a distance of 13m.

- (n) The following was added to Article 2(1): -

"heavy commercial vehicle" has the same meaning as in Section 138 of the 1984 Act and which has an operating weight exceeding 7.5 tonnes.

(o) Article 5(2) (ii) was amended to read: -

“a vehicle which is constructed or adapted to carry more than 8 passengers and is providing a local bus service providing that no local bus service shall enter or leave the Pedestrian Zone by way of Branthwaite Brow”.

(p) Article 6(2)(b) was amended to read: -

“is being used for the conveyance of goods or burden to or from any premises situated on or adjacent to the said road or lengths of road, providing that no heavy commercial vehicle may enter or leave the Pedestrian Zone by way of Branthwaite Brow; or”

(q) The County of Cumbria (Various Roads, South Lakeland Area) (Consolidation of Traffic Regulations) Order 2002 was amended as follows: -

(i) the entry in Schedule 53 Part 1 Kendal which relates to Allhallows Lane, was deleted in its entirety;

(ii) the following entry in Schedule 52 Part 1 Kendal “No Waiting At Any Time” was deleted: -

Allhallows Lane NWAAT North From its junction with Highgate (west side) in a westerly direction for a distance of 30 metres

and replaced with the following: -

Allhallows Lane NWAAT North From its junction with Highgate (west side building line) in a westerly direction for a distance of 31 metres

(iii) the following entry in Schedule 53 Part 1 Kendal “No Waiting 8.00 am – 6.00 pm Full Week” was deleted: -

Highgate NW East From 205 metres north of the centre of its junction with Gillinggate to the centre of its junction with Lowther Street

and replaced with the following: -

Highgate NW East From a point 205m north of the centre of its junction with Gillinggate to a point 56m south of the centre of its junction with Lowther Street.

(iv) The following was added to Schedule 62 Part 2 Kendal "No Waiting 8 am – 6 pm, Monday – Saturday": -

Allhallows Lane North Side From a point 39m west of the west side of its junction with Highgate (building line) westwards for a distance of 40m.

(v) The following was added to Schedule 80A "Prohibition of Loading/Unloading – 8.15 am – 9.15 am, 12 noon – 2.00 pm, 4.00 pm – 6.00 pm, Monday to Friday or 10.00 am – 2.00 pm on a Saturday": -

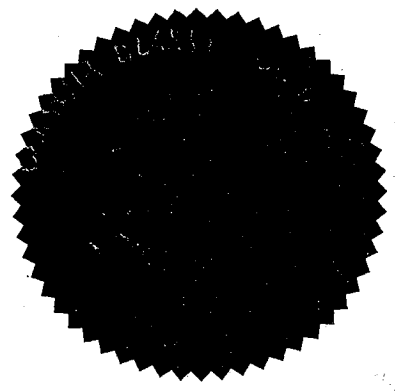
<u>Town</u>	<u>Street Name</u>	<u>Side of Street</u>	<u>Restricted Length</u>
Kendal	Allhallows Lane	North Side	From its junction with Highgate (west side, building line) westwards for a distance of 39m.

- This Order shall come into operation on 22 May 2006 and may be cited as The County of Cumbria (Central Area, Kendal) (Pedestrianisation and Traffic Regulation) (Order 2005) Variation (No.1) Order 2006
- The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any Regulation made or having effect as if made under the Act, or by or under any other enactment.
- The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Dated the 12th day of May 2006

CT9163

Executed as a Deed by)
affixing the Common Seal of)
CUMBRIA COUNTY COUNCIL)
in the presence of:-)



Authorised Signatory *R. Clayton*

ASST HEAD OF LEGAL SERVICES