

THE COUNTY OF CUMBRIA (CENTRAL AREA KENDAL)
(PEDESTRIANISATION AND TRAFFIC REGULATION) (ORDER 2005) EXPERIMENTAL
VARIATION ORDER 2012

The County Council of Cumbria in exercise of its powers under Sections 9 and 10 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:-

PART 1

GENERAL

1. This Order shall come into operation on 31 December 2012 and may be cited as The County of Cumbria (Central Area Kendal) (Pedestrianisation and Traffic Regulation) (Order 2005) Experimental Variation Order 2012
2. For the purposes of this Order the expression "the 2005 Order" shall mean The County of Cumbria (Central Area Kendal) (Pedestrianisation and Traffic Regulation) Order 2005.
3. The 2005 Order shall have effect as though: -
 - (a) **The following was added to Article 2(1): -**

"Civil Enforcement Officer" shall mean the person or persons duly authorised in writing in that behalf (from time to time) by the Council
 - (b) **Article 6 was replaced with the following: -**
6. Nothing in Article 4 shall apply so as to prevent any person from causing any vehicle to proceed in the roads and lengths of road specified in **Schedule 1: -**
 - (1) at any time if the vehicle : -
 - (a) has been given permission in writing by the County Council, or
 - (b) has been given permission in writing by the Chief Constable, or
 - (c) is owned by a resident of premises fronting onto the roads specified in the said Schedule and requires access to or egress from his or her private off-street parking areas, or
 - (d) is a disabled persons vehicle displaying a disabled persons badge in the relevant position, or
 - (e) is being used in the service of a local authority or water company in pursuance of statutory powers or duties, or

- (f) is being used in connection with the removal of any obstruction to traffic, or
- (g) is being used in connection with the maintenance, improvement or reconstruction of the lengths of road or sides of road or the laying, erection, alteration or repair in on or near the said roads or lengths of road of any sewer or of any main pipe apparatus for the supply of gas, water, electricity or any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984, or
- (h) is being used in the service of or employed by the Post Office and is waiting while postal packets addressed to premises adjacent to the roads or lengths of road in which the vehicle is waiting, are being unloaded from the vehicle or, having been unloaded therefrom, being delivered or while postal packets are being collected from premises or posting boxes adjacent to the roads or lengths of road in which the vehicle is waiting or is in use in connection with the servicing of posting boxes adjacent to the roads or lengths of road, or
- (i) is a security vehicle making deliveries of or collecting cash or valuables to or from premises fronting the roads or lengths of road, or
- (j) is in actual use in connection with the removal of a coffin containing the remains of a deceased person to or from premises situate on or adjacent to the roads or lengths of road, or
- (k) is in actual use for the conveyance of persons in connection with a wedding ceremony or funeral service, or
- (l) is used by businesses located off Highgate/Stricklandgate in Fleece Inn Yard, Old Shambles, Highgate Yard 2 (White Hart Yard) and Redmaynes Yard, Kendal which have private off-street parking facilities accessible only via the Pedestrian Zone, or
- (m) is used by residents of premises located off Highgate/Stricklandgate in Fleece Inn Yard, Old Shambles, Highgate Yard 2 (White Hart Yard) and Redmaynes Yard, Kendal which have private off-street parking facilities accessible only via the Pedestrian Zone, or
- (n) is being used by a person or persons requiring access to the Fleece Inn Yard, Old Shambles, Highgate Yard 2 (White Hart Yard) and Redmaynes Yard for the purpose of conducting business at the business premises located there, or
- (o) is being used for the purpose of delivering meat products to Watson & Woollard and Marsden Bros. Butchers, or
- (p) is being used by relatives, carers or other support services of elderly or infirm residents who reside within the Pedestrian Zone for the purpose of giving care and providing necessary transport to and from their homes

- (2) Between the hours of 4.00 pm and midnight and between midnight and 11.00 am each day if the vehicle: -
- (a) is a vehicle being used as specified in paragraph (1) of this Article, or
 - (b) 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.

(c) **Part 4 was replaced with the following: -**

PART 4

LOADING & UNLOADING ONLY BETWEEN 4.00 PM AND MIDNIGHT AND BETWEEN MIDNIGHT AND 11.00 AM THE FOLLOWING DAY, EVERY DAY

10. Save as provided in Article 9 to this Order, no person shall cause or permit any vehicle to wait between the hours of 4.00 pm and midnight and between midnight and 11.00 am, every day, in the lengths of road or sides of road specified in **Schedule 3** to this Order unless the said vehicle is being used for the purpose of loading or unloading.

(d) **Schedule 3 was replaced with Schedule 3 attached hereto.**

(e) **Part 5 was replaced with the following: -**

PART 5

AUTHORISATION AND USE OF DISABLED PARKING PLACES

11. (1) Subject to Article 12 of this Order each of the parts of roads specified in column 1 of **Schedule 4** to this Order is authorised to be used as a parking place for disabled persons vehicles at any time as a parking place for disabled persons vehicles for a period not exceeding three hours (not being a period separated by an interval of less than three hours for 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).
- (2) Subject to Article 12 of this Order each of the parts of roads specified in column 1 of **Schedule 5** to this Order is authorised to be used at any time as a parking place for disabled persons vehicles 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).
- (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).

12. The driver of a vehicle shall not permit it to wait in any of the parking places specified in Article 11 of this Order unless the vehicle is:-
 - (1) a disabled person's vehicle which displays a disabled person's badge in the relevant position; and
 - (2) is wholly within the limits of the parking place as indicated by coloured paving materials or by road markings painted on the surface of the highway.
13. Nothing in the foregoing provisions of this part of the Order shall restrict the power of the County Council or of the District Council: -
 - (1) to close any parking place on Market Place or Stramongate (north side) on any market day
 - (2) for preventing obstruction of the streets by Order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.
14. Nothing in the foregoing provisions of this of the Order shall apply to a vehicle in a parking place if the vehicle is:-
 - (a) waiting only so long as it is necessary to enable a person to board or alight from the vehicle or to enable goods or merchandise to be loaded onto or unloaded from the vehicle except that this exemption does not apply in disabled parking places specified in Article 11 of this Order;
 - (b) 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;
 - (c) 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 or sewerage undertaker which is being used in pursuance of statutory powers or duties;
 - (d) waiting to enable it be used in connection with the removal of any obstruction to traffic;
 - (e) in the service of or employed by the Post office and is waiting whilst postal packets addressed to the premises adjacent to the parking place in the which the vehicle is waiting have been unloaded from the vehicle or having been unloaded therefrom have been delivered or while postal packets have been collected from premises adjacent to the parking place in which the vehicle is waiting;
 - (f) being used in connection with building operations or demolition for maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration or repair in or near the said parking place of any sewer of any main pipe or apparatus

for the supply of gas, water or electricity or of any telecommunications apparent as defined in Schedule 2 to the Telecommunications Act 1984;

- (g) in actual use in connection with the removal of a coffin containing the remains of a deceased person to or from premises situate on or adjacent to that parking place
- (f) **Schedule 4 was replaced with Schedule 4 attached hereto.**
- (g) **Part 14 was replaced with the following: -**

PART 14

**NO LOADING
MONDAY – FRIDAY – 11 AM – 4 PM, EACH DAY**

31. No person shall cause or permit any vehicle to wait between the hours of 11 am and 4 pm each day, in the lengths of road specified in **Schedule 14** to this Order for the purpose of loading or unloading.

(h) **Schedule 14 was replaced with Schedule 14 attached hereto.**

- 4. The County Council will consider in due course whether the provisions of this Order should be continued in force indefinitely.
- 5. This Order will continue in force for a maximum of 18 months.
- 6. As permitted by Section 10(2) of the Act and for the reasons stated therein the Corporate Director of Environment of the Council is hereby authorised, after consultation with the Chief Constable and after giving such notice as the Secretary of State may direct, to make such modifications to or to suspend any provisions of this Order as appear to him essential.
- 7. 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 14th day of December 2012

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

Authorised Signatory *Neil Hoar*



SCHEDULE 3

LOADING & UNLOADING ONLY – BETWEEN 4.00 PM AND MIDNIGHT AND BETWEEN
MIDNIGHT AND 11.00 AM THE FOLLOWING DAY, EVERY DAY

<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.
Market Place, Kendal	Its entire length
Finkle Street, Kendal	Its entire length
Branthwaite Brow, Kendal	Its entire length

SCHEDULE 4

DISABLED PERSONS' PARKING PLACES IN FINKLE STREET AND MARKET PLACE, 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	House of Operation of Parking Places	Time Limits on waiting
Finkle Street (approx centre of west end of street). From a point 20m* east of the centre of its junction with Highgate/Stricklandgate eastwards for a distance of 10m (three spaces)	As indicated by coloured paving materials and/or by road markings painted on the surface of the highway	Disabled Person's Vehicles	All days of the week	24 hours a day	3 Hours, return prohibited within 3 hours
Market Place (centre of street) from a point 14m east of the centre of its junction with Stricklandgate eastwards for a distance of 14m (four spaces)	At right angles to the traffic flow. As indicated by coloured paving materials and/or road markings on the surface of the highway	Disabled Person's Vehicles	All days of the week except when closed on Market Days	24 hours a day	3 Hours, return prohibited within 3 hours

* Distance measured along outer southern curve of steps to south of shelter feature

SCHEDULE 14

NO LOADING
11 AM – 4 PM EACH DAY

<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 (east side)	From a point 21m south of the south side of its junction with Finkle Street southwards for a distance of 25m.
Market Place	Its entire length
Branthwaite Brow	Its entire length
Finkle Street	Its entire length