

MEMORANDUM – LEGAL AND DEMOCRATIC SERVICE

Test Valley Borough Council

To: Head of Planning Policy and Transport
Att'n Mayur Patel

Your ref:

From: Head of Legal and Democratic Service

Our ref: (L)JB/13/3/2/3/16(36)

Date: 25 August 2009

Contact Ext: Jo Bacon 8416

TRAFFIC REGULATION PROPOSAL FOR UPPER DROVE AREA, ANDOVER

Further to your memo of 21 August, I confirm that the Order was made, as modified, on 24 August, to come into effect on 2 September 2009, and I enclose a sealed copy for your records. The six week objection period will expire on 5 October 2009.

I have deposited two copies, together with a Notice that the Order has been made, with the Andover Library, the County Information Office, and CSU at TVBC, Beech Hurst, in accordance with the Procedure Regulations. A Notice has also been sent to the Andover Advertiser for publication on Friday 28 August. Letters are being sent today to all other consultees and to HCC Land Charges, and letters to the Objectors will be sent this week.



Head of Legal and Democratic Service

ROAD TRAFFIC REGULATION ACT 1984

**THE BOROUGH OF TEST VALLEY
(UPPER DROVE AND ASHFIELD ROAD, ANDOVER)
(PARKING PLACES, RESTRICTION AND PROHIBITION OF WAITING AND CLEARWAY)
ORDER 2009**

ROAD TRAFFIC REGULATION ACT 1984

**THE BOROUGH OF TEST VALLEY
(UPPER DROVE AND ASHFIELD ROAD, ANDOVER)
(PARKING PLACES, RESTRICTION AND PROHIBITION OF WAITING AND CLEARWAY)
ORDER 2009**

The Borough Council of Test Valley as agent of Hampshire County Council (being the Traffic Authority) in exercise of its powers under Sections 1, 2, and 4, of the Road Traffic Regulation Act 1984 ("the Act") as amended by the Road Traffic Regulation (Parking) Act, 1986, Part IV of Schedule 9 to the 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, hereby makes the following order:-

PART 1 – GENERAL

1. In this order

"the Council" means Hampshire County Council or, as the case may be, The Borough Council of Test Valley acting as Hampshire County Council's agents.

"Disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

"Disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 2000.

"Parking Disc" means a disc, issued by a Local Authority, 125 millimetres square, coloured orange or blue and capable of showing the quarter hour period during which a period of waiting begins.

"Driver" in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place.

"Parking Place" means any part of a road authorised by this order to be used as a parking place.

"School Bus" means a public service vehicle as defined by Section 1 of the Public Passenger Vehicles Act 1981 which is being used to transport school pupils to school

2. Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 has effect for the purpose of defining the expression "relevant position" in this order.
3. The Prohibitions and restrictions imposed by this order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

PART II – AUTHORISATION AND USE OF PARKING PLACES

4. (i) Each of the parts of a road specified in schedule I to this order is authorised to be used subject to the following provisions of this order as a parking place for such classes of vehicles, on such days and during such hours as are specified in relation to that part of the road in the said schedule.
(ii) Nothing in paragraph (i) of this article shall restrict the power of the Council to close any parking place.
5. Where in schedule I to this order a parking place is described as available for vehicles of a specified class, the driver of the vehicle shall not permit it to wait in that parking place:-
 - (a) unless it is of the specified class or a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority; and
 - (b) unless it is positioned within the parking areas defined by white lines on the surface of the road and the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than twelve inches.
6. A driver of a vehicle shall not use a parking place:-
 - (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;
 - (b) when the Council has closed that parking place.
7. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
8. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.
9. A disabled person's vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation on time specified in column 5 of part 1 of schedule I to this order.
10. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in article 4, article 5 or article 6 of this order a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place; provided that when a vehicle is waiting in a parking place in contravention of the provision of article 5(b) of this order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

11. Any person removing a vehicle or altering its position by virtue of the last preceding article of this order 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.
12. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of article 10 of this order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

PART III – RESTRICTION OF WAITING

13. Save as provided in articles 14 and 15 of this order, no person shall, except upon the direction or with the permission of a police constable in uniform or civil enforcement officer, cause or permit any vehicle to wait:-
 - (i) at any time on any of the sides of road specified in schedule 2 to this order;
 - (ii) between the hours of 8.00am and 6.00pm from Monday to Friday (both days inclusive) on any of the sides of road specified in schedule 1 part 2 to this order;
 - (iii) between the hours of 8.00am and 6.00pm from Monday to Friday (both days inclusive) on any of the sides of road specified in schedule 3 to this order unless the vehicle is a school bus.
14. Nothing in article 13 of this order shall render it unlawful to cause or permit any vehicle to wait on any of the sides of road referred to in that article for so long as may be necessary:-
 - a. to enable a person to board or alight from the vehicle;
 - b. to enable goods to be loaded onto or unloaded from the vehicle;
 - c. to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with the following operations namely:-
 - i. building or demolition;
 - ii. the removal of any obstruction to traffic;
 - iii. the maintenance, improvement or reconstruction of the said sides of road;
 - iv. the laying, erection, alteration or repair in, or in land adjacent to, the said sides of road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or telecommunications;

- d. to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
- e. to enable the vehicle to be used in the service of the Post Office for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000;
- f. to enable the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to the said sides of road;
- g. to enable the vehicle to wait at or near to any premises situated on or adjacent to the said sides of road for so long as is reasonably necessary in connection with any wedding or funeral; or
- h. to enable the vehicle to be used for fire and rescue service, ambulance or police purposes.

15. Nothing in article 13 of this order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait on any of the sides of road referred to for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle on the same side of road on the same day).

PART IV – PROHIBITION OF WAITING AND STOPPING

16. Save as provided in article 17 of this order no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait on any of those main carriageways of the roads which are specified in schedule 4 to this order.
17. Nothing in article 16 of this order shall apply:-
 - (a) so as to prevent a vehicle waiting on any main carriageway specified in the schedule to this order for so long as may be necessary to enable a vehicle, if it cannot be used for such purpose without waiting on that carriageway, to be used in connection with any building operation or demolition, the removal of any obstruction or potential obstruction to traffic, the maintenance, improvement or reconstruction of the road comprising that carriageway, or the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structures, works or apparatus in, under or over that road;
 - (b) to a vehicle being used for fire and rescue service, ambulance or police purposes;
 - (c) to a vehicle being used for the purpose of delivering or collecting postal packets;

- (d) so as to prevent a vehicle being used by or on behalf of a local authority from waiting on any main carriageway specified in the schedule to this order for so long as may be necessary to enable the vehicle if it cannot be used for such a purpose without waiting on that carriageway, to be used for the purpose of the collection of household refuse from, or the clearing of cesspools at, premises situated on or adjacent to the road comprising that carriageway;
- (e) to a vehicle waiting on any main carriageway specified in the schedule to this order while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than on that carriageway while such gate or barrier is being opened or closed;
- (f) to a vehicle waiting in any case where the person in control of the vehicle:-
 - (i) is required by law to stop;
 - (ii) is obliged to do so in order to avoid an accident;
 - or
 - (iii) is prevented from proceeding by circumstances outside his control and it is not reasonably practicable for him to drive or move the vehicle to a place not on any main carriageway specified in the schedule to this order.

18. No person shall cause or permit any vehicle to wait on any verge or lay-by immediately adjacent to a main carriageway specified in the schedule to this order for the purpose of selling goods from that vehicle unless the goods are immediately delivered at or taken into premises adjacent to the vehicle from which sale is effected.

19. The Borough Council is satisfied that, for avoiding danger to persons or other traffic using the roads to which this order relates it is requisite that Section 3(1) of the Act should not apply in relation to this order.

20. In this Part the following expressions have the meanings hereby respectively assigned to them:-

"Main Carriageway" in relation to the roads specified in the schedule to this order means any carriageway of those roads used primarily by through traffic and excludes any lay-by.

"Lay-by" means any area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations and General Directions 2002, and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed;

"Verge" means any part of a road which is not a carriageway.

PART V - REVOCATIONS

21. The Borough Council of Test Valley (Various Roads, Andover) (School Clearways) Order 2005 is hereby revoked insofar as it relates to any part of Ashfield Road Andover

22. This order shall come into operation on the 2 September 2009 and may be cited as "The Borough Council of Test Valley (Upper Drove and Ashfield Road, Andover) (Parking Places, Restriction and Prohibition of Waiting and Clearway) Order 2009".

GIVEN this 24th day of August 2009

SCHEDULES

Schedule 1 part 1

Situation of Parking Place	Class of Vehicles	Days of Operation of Parking Place	Hours of Operation of Parking Place	Maximum Period For Which Vehicles May Wait
The length of road specified in Part 2 of this Schedule to a width throughout of 1.8 metres measured at right angles from the edge of the carriageway	Motor car, motor cycle and invalid carriage as defined in Section 136 of the Act	(a) Monday to Friday	(i) Midnight – 8.00am and 6.00pm – midnight (ii) 8.00am – 6.00pm	No limit 1 Hour (return prohibited within 1 hour)
		(b) Saturday and Sunday	All hours	No limit

Schedule 1 Part 2

Limited waiting for 1 hour Monday to Friday between 8am and 6pm, no return within 1 hour		
Road in Andover	Side	Length of Road
Upper Drove	East	From a point 146 metres south of its junction with Eardley Avenue to a point 59 metres further south
Upper Drove	East	From a point 245 metres south of its junction with Eardley Avenue to a point 39 metres further south

Schedule 2

No waiting at any time		
Road in Andover	Side	Length of Road
Upper Drove	West	From a point 80 metres north of its junction with Weyhill Road to a point 315 metres further north.
Upper Drove	East	From a point 10 metres north of its junction with Eardley Avenue to a point 10 metres south of this junction.
Upper Drove	East	From a point 57 metres south of its junction with Eardley Avenue to a point 12 metres further south.

No waiting at any time

Road in Andover	Side	Length of Road
Upper Drove	East	From a point 132 metres south of its junction with Eardley Avenue to a point 14 metres further south.
Upper Drove	East	From a point 205 metres south of its junction with Eardley Avenue to a point 16 metres further south.
Upper Drove	East	From a point 284 metres south of its junction with Eardley Avenue to a point 14 metres further south.
Eardley Avenue	Both	From its junction with Upper Drove to a point 15 metres east

Schedule 3

No Stopping Except for School Buses Monday to Friday 8am to 6pm		
Road	Side	Length of Road
Upper Drove	East	From a point 221 metres south of its junction with Eardley Avenue to point 24 metres further south.

Schedule 4

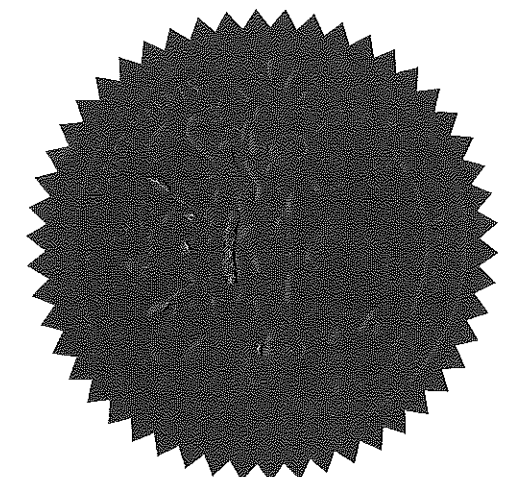
School Clear Way (No Stopping) Monday to Friday 8am to 5pm		
Road	Side	Length of Road
Ashfield Road	Both	From a point 232 metres west of its junction with The Drove to a point 36 metres further west

Revoked
by
A11-1

THE COMMON SEAL of THE BOROUGH COUNCIL of TEST VALLEY was hereunto Affixed in the presence of:-

David N. A. Drew
Member

S. Evey
Authorised Officer Signatory



19972