

TRAFFIC REGULATION ORDER

DATED 9th April 2014

**THE BOROUGH OF TEST VALLEY (FLORAL WAY, ANDOVER)
(PARKING PLACES, PROHIBITION AND RESTRICTION OF DRIVING,
WAITING AND ENTRY) (CONTROLLED ZONE) CONSOLIDATION
ORDER 2014**

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Beech Hurst, Weyhill Road
Andover, Hampshire SP10 3AJ

Ref: LJB 13/3/2/3/16(62)

TEST VALLEY BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**THE BOROUGH OF TEST VALLEY (FLORAL WAY, ANDOVER)
(PARKING PLACES, PROHIBITION AND RESTRICTION OF DRIVING,
WAITING AND ENTRY) (CONTROLLED ZONE) CONSOLIDATION ORDER
2014**

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, 4, 32, 35, 45, 49 and 51 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.

"bus" means a public service vehicle as defined in Section 1 of the Public Passenger Vehicles Act 1981

"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.

"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.

"Floral Way Permit Zone" means the area of Andover shown edged orange on the plan named "Permit Eligibility Plan Revision 2" attached hereto

"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;

“local service” has the same meaning as in section 2 of the Transport Act 1985

“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.

“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.

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

“permit” means either a resident’s permit or a visitor’s permit allowing the leaving of a vehicle in a parking place as specified by this order

“resident” means a person whose usual place of abode is at premises situated within Floral Way Permit Zone

“School bus” means a bus used for transporting students to or from a school or on school-related trips

“School Pass” means a certificate under s 4(2) of the Act for the purpose of identifying a vehicle which is excepted, by virtue of any provision of this Order, from any restriction imposed thereby and which has been issued by any one or more of Balksbury Infant School, Balksbury Junior School, John Hanson Community School and St John the Baptist Catholic Primary School

“School Pass Holders” means a vehicle displaying a School Pass on the near side of its front windscreen

“verge” means any part of a road that is not a carriageway.

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; and
 - c. for longer than the maximum permitted time period.
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 – PERMITS

13. Any resident of Floral Way Permit Zone who is the keeper or user of a passenger vehicle or a goods vehicle with an unladen weight of not more than 2524 kg, or a motor cycle, and who has no or one only off-street parking space, may apply to the Council for the issue of respectively two or one resident's permit/s for the leaving of that vehicle at any time in a parking space in any parking place specified in schedule I part 1 to this order subject to not more than two resident's permits being issued in respect of any one address and any such application shall be made on a form issued by, or on behalf of, the Council and shall include the particulars and information required by such form to be supplied and the form shall include the terms and conditions upon which the permit/s are issued.
14. The Council may require an applicant for a permit or a permit holder to produce such evidence in respect of the application as they may reasonably require to verify any particulars of information given to them.
15. The Council, upon being satisfied that an applicant is a resident within the permit Zone, has no or one only off-street parking space and is the keeper or user of a vehicle of a class specified in article 13 of this order and on receipt of the appropriate fee as specified in schedule 10 to this order, may issue to that applicant a resident's permit, valid for a period of twelve months, for the leaving of that vehicle at any time in a parking space in any parking place specified in article 13 of this order by the owner or by any person using such vehicle with the consent of the owner

(other than a person to whom such vehicle has been let for hire or reward).

16. A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in article 18 of this order.
17. The Council may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence, withdraw a permit if it appears to the Council that any of the events set out in article 18 of this order has occurred, and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the said notice.
18. The events referred to in article 16 and 17 of this order are: -
 - (a) the permit holder ceasing to be a resident;
 - (b) the permit holder ceasing to be the keeper or user of the vehicle in respect of which a permit was issued;
 - (c) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of a class specified in article 13 of this order;
 - (d) the issue of a duplicate permit by the Council under the provisions of article 20 of this order;
 - (e) the expiry of the period for which the permit was issued;
 - (f) a breach of any condition which may from time to time be determined by the Council and is specified on the permit and/or form referred to in article 13 of this order.
19. A permit shall cease to be valid on the occurrence of any one of the events set out in article 18 of this order.
20. If a permit is mutilated or defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Council and may then apply to the Council for the issue of a duplicate permit.
21. If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a duplicate permit.
22. The provisions of this Order shall apply to a duplicate permit and an application for such a permit as if it were a permit or, as the case may be,

an application for a permit.

23. Any permit issued by virtue of the provisions of articles 20 or 21 of this order shall be marked as a duplicate, and upon the issue of a duplicate permit the permit which it duplicates shall become invalid.
24. A permit shall be in writing and shall include the following particulars: -
 - (a) the registration mark of the vehicle in respect of which the permit has been issued;
 - (b) the parking area in respect of which the permit is valid;
 - (c) the period during which, subject to the provisions of article 19 of this order, the permit shall remain valid; and
 - (d) an authentication that the permit has been issued by, or on behalf of, the Council.
25. Whenever a vehicle has been left in a parking space in a parking place specified in schedule 1 part1 for longer than the maximum permitted period during any part of any period of restricted waiting in that parking place there shall be displayed on the front of the vehicle a permit valid in respect of that vehicle so that all the particulars referred to in article 24 of this order are readily visible from outside the vehicle.
26. When a permit has been displayed on a vehicle in accordance with the provisions of article 25 of this order, no person shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle.
27. Any person resident at an address within the Floral Way Permit Zone which address has two or fewer off-street parking spaces may apply to the Council for the issue of one resident's/visitor's permit for the leaving of a vehicle of a class specified in article 13 of this order in a parking space in any parking place specified in schedule I part 1 to this order by any resident/visitor to that address, and any such application shall be made on a form issued by, or on behalf of, the Council and shall include the particulars and information required by such form to be supplied and the form shall include the terms and conditions upon which the resident's/visitor's permit is issued.
28. The Council, upon being satisfied that an applicant is a resident and on receipt of the appropriate fee as specified in schedule 10 to this order, may issue to that applicant a visitor's permit for the leaving of a vehicle as provided in article 27 of this order at any time in any parking place referred to in article 27 of this order.

29. Articles 14 to 26 (inclusive) of this order shall have effect in respect of a visitor's permit issued in accordance with article 28 of this order as though article 15, sub-paragraphs (b) and (c) of article 18 and sub-paragraph (a) of article 24 were omitted.
30. The total number of permits referred to in Articles 15 or 28 of this Order which may be issued to all residents of any property or properties constructed, converted or extended pursuant to a planning permission granted after the date of this order in respect of any particular site shall not exceed the total permit entitlement of all residents of the property or properties which occupied the same site at the time planning permission was granted.
31. Nothing in this order shall make it unlawful to cause or permit any vehicle to wait at any time in a parking place authorised by virtue of article 4(i) of this Order, other than a parking place or part of a parking place which has been closed by the Council, if the vehicle is being used for fire and rescue service purposes, or is an ambulance or a police car.

PART IV - RESTRICTION OF WAITING

32. Save as provided in articles 33 and 34 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 the sides of road specified in schedule 2 to this order;
 - (ii) between the hours of 8.00 am and 10.00 am and between the hours of 2.00 pm and 4.00 pm from Monday to Friday (both days inclusive) on the sides of road specified in schedule 3 to this order.
33. Nothing in article 32 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) the removal of any obstruction to traffic;
 - (ii) the maintenance, improvement or reconstruction of the said sides of road;

- (iii) 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, police or local authority purposes.
34. Nothing in article 32 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 V – SCHOOL AND BUS CLEARWAYS

35. Save as provided in article 37 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 at any time on any of those main carriageways of the roads which are specified in schedule 4 to this order between the hours specified in that schedule.
36. Save as provided in article 37 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 at any time on any of those main carriageways of the roads which are specified in schedule 5 to this order.
37. Nothing in articles 35 and 36 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, police or local authority purposes;
 - (c) to a vehicle being used for the purpose of delivering or collecting postal packets;
 - (d) 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;
 - (e) 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.
38. 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.
39. 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.
40. Nothing in this order shall:
- a. render it unlawful to cause or permit any bus being used in the provision of a local service to wait on any side of road if that bus is waiting at a marked bus stop;

- b. be deemed to authorise or permit any vehicle which is not a bus being used in the provision of a local service to wait at a marked bus stop;

during any period that that bus stop is so authorised.

PART VI – PROHIBITION OF DRIVING

- 41. No person shall cause any vehicle other than school buses, buses operating a local service pedal cycles and School Pass Holders to proceed in that length of road specified in schedule 6 to this order between the hours of 8.00am and 10.00am and between the hours of 2.00 pm and 4.00 pm.
- 42. No person shall cause any vehicle other than school buses, buses operating a local service and pedal cycles to proceed at any time in that length of road specified in schedule 7 to this order.
- 43. Nothing in Article 42 of this Order shall apply so as to prevent any person from causing any vehicle to proceed in any of the roads or length of road specified in that Article if the vehicle is being used: -
 - a) in connection with the maintenance, improvement or reconstruction of that road or length of road or the laying, erection, alteration or repair in or adjacent to that road or length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or telecommunications; or
 - b) for fire authority, ambulance police or local authority purposes.

PART VII – PROHIBITION OF ENTRY

- 44. No person shall cause or permit any vehicle to proceed in any length of road specified in column 1 of Schedule 8 to this Order in a direction other than that specified in relation to that length of road in column 2 of that Schedule.

REVOCATIONS

- 45. The Traffic Regulation Orders the titles of which are set out in Column 3 of Schedule 9 to this Order are hereby revoked to the extent set out in Column 2 of Schedule 9 to this Order.
- 46. This order shall come into operation on the 2014 and may be cited as The Borough of Test Valley (Floral Way, Andover) (Parking Places, Prohibition and Restriction of Driving, Waiting and Entry) (Controlled Zone) Consolidation Order 2014

GIVEN this 9th day of April 2014

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

Authorised Officer Signatory



SCHEDULES

21861

Schedule 1 Part 1 – Location and Duration of Parking Places				
1	2	3	4	5
Situation of Parking Place	Class of Vehicle	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait
That area shown as coloured blue on plan entitled “Floral Way Traffic Management Scheme Revision 2”	Motor cars, Motor cycles and invalid carriages as defined in Section 136 of the Act of 1984	Mondays to Friday	(i) Midnight to 8.00am, 10.00am to 2.00pm and 4.00pm to midnight (ii) 8.00am to 10.00am and 2pm to 4pm	No Limit No vehicle may park for any period of time.
		Saturday and Sundays	All hours	No limit
	Any vehicle in respect of which a permit has been issued in accordance with Articles 15,20,21 or 28 of this Order and vehicles displaying a disabled persons' badge	All days	All hours	No limit

1	2	3	4	5
Situation of Parking Place	Class of Vehicle	Days of operation of parking place	Hours of operation of parking place	Maximum period for which vehicles may wait
That area shown as coloured brown on plan entitled "Floral Way Traffic Management Scheme Revision 2"	Motor cars, Motor cycles and invalid carriages as defined in Section 136 of the Act of 1984	Mondays to Friday	(i) Midnight to 8.00am, 10.00am to 2.00pm and 4.00pm to midnight (ii) 8.00am to 10.00am and 2pm to 4pm	No Limit 45 minutes, no return within 1 hour
		Saturday and Sundays	All hours	No limit
	Any vehicle in respect of which a permit has been issued in accordance with Articles 15,20,21 or 28 of this Order and vehicles displaying a disabled persons' badge	All days	All hours	No limit

Schedule 2		
No Waiting at any time		
Road Name	Side	Length of Road
Floral Way	North	From its junction with Chatsworth Drive to a point 214 metres west thereof.
Floral Way	North	From a point 226 metres west of its junction with Chatsworth Drive to a point 54 metres further west thereof.
Floral Way	South	From its junction with Chatsworth Drive to a point 12 metres west thereof.
Floral Way	Both	From a point 280 metres west of its junction with Chatsworth Drive to a point 82 metres further south thereof.
Floral Way	North and east	From its junction with Chatsworth Drive to a point 188 metres east thereof.
Floral Way	South	From its junction with Chatsworth Drive to a point 40 metres east thereof.
Floral Way	South	From a point 65 metres east of its junction with Chatsworth Drive to a point 108 metres further east thereof.
Beech Walk Access Road	Both	From its junction with Floral Way to a point 11 metres east thereof.
Floral Way Spur to Wisteria Court	Both	From its junction with Floral Way to a point 20 metres south thereof.
Chatsworth Drive	Both	From its junction with Floral Way to a point 24 metres north thereof.
Magnolia Close	Both	From a point at its junction with Floral Way to a point 20 metres north thereof
Exbury Way	Both	From a point at its junction with Magnolia Close to a point 10 metres north thereof.
Floral Way (in front of The Hexagon)	North	From its junction with Salisbury Road to a point 21 metres east of its junction with Hazel Close.
Floral Way (in front of The Hexagon)	South	From its junction with Salisbury Road to a point 7 metres east of its junction with Hazel Close
Hazel Close	Both	From its junction with Floral Way (in front of The Hexagon) to a point 41 metres west thereof.

Schedule 3		
No Waiting Monday to Friday 8am to 10am and 2pm to 4pm		
Road Name	Side	Length of Road
Floral Way	South	From a point 12 metres west of its junction with Chatsworth Drive to a point 36 metres further west thereof.
Floral Way	South	From a point 60 metres west of its junction with Chatsworth Drive to a point 220 metres further west thereof

Schedule 4		
School Clearway Monday to Friday 8am to 10am and 2pm to 4pm		
Road	Side	Length
Floral Way	South	From a point 12 metres west of its junction with Chatsworth Drive to a point 36 metres west thereof.
Floral Way	South	From a point 60 metres west of its junction with Chatsworth Drive to a point 220 metres further west thereof.
Floral Way	North	From a point 12 metres west of its junction with Chatsworth Drive to a point 202 metres further west thereof.
Floral Way	North	From a point 226 metres west of its junction with Chatsworth Drive to a point 54 metres west thereof.

Schedule 5		
Bus Stop Clearways		
Road Name	Side	Length of Road
Floral Way	South	From a point 48 metres west of its junction with Chatsworth Drive to a point 12 metres west thereof.
Floral Way	North	From a point 214 metres west of its junction with Chatsworth Drive to a point 12 metres west thereof.

Schedule 6		
No vehicles except for Buses, Cyclists and School Pass Holders Monday to Friday 8am to 10am and 2pm to 4pm		
Road Name	Direction	Length of Road
Floral Way	Both	From its junction with Chatsworth Drive to a point 280 metres west thereof.

Schedule 7		
Buses and Cyclists only		
Road Name	Direction	Length of Road
Floral Way	Both	From a point 280 metres west of its junction with Chatsworth Drive to a point 52 metres west and south thereof.

Schedule 8		
One Way traffic/Prohibition of Entry		
Length of Road (Column 1)		Direction (Column 2)
Floral Way (in front of The Hexagon) from its junction with Floral Way to a point 12 metres southwest thereof.		Northeast to southwest

Schedule 9		
Revocations		
TRO ref	Extent to be Revoked (Column 2)	Title of Order (Column 3)
A05/3	Insofar as it relates to Beech Walk Access Road Chatsworth Drive Exbury Way Floral Way Floral Way Spur to Wisteria Court Magnolia Close	The Borough of Test Valley (Various Roads, Andover) (Prohibition and Restriction of Waiting and Parking Places) Order 2005
A11/1	Insofar as it relates to Floral Way	The Borough of Test Valley (School Clearways) Order 2011

Schedule 10 - Fees

The fees for permits referred to in Articles 15 and 28 of this order shall be: -

Type of Permit	Fee per annum
Residents (Article 15)	£15.00
Visitors (Article 28)	£15.00





