THREE RIVERS DISTRICT COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

2009 No. 111 09

THE THREE RIVERS (BEECHCROFT AVENUE & HAZELWOOD ROAD, CROXLEY GREEN)

(PROHIBITION OF WAITING, WAITING RESTRICTIONS AND RESTRICTED PARKING)

ORDER 2009

Made: 30 OCTOBER 7009

Coming into operation: 2 NOVEMBER 7009

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SCHEDULES

Schedule No. Description Revocations No Waiting At Any Time Waiting Limited to 1 hour no return within 2 hours, Monday to Saturday 8.30am to 5.30pm

PART I - PRELIMINARY

The Three Rivers District Council (hereinafter referred to as "the Council") makes this Traffic Regulation Order pursuant to arrangements made under Section 19 of the Local Government Act of 2000 and the Local Governments (Arrangements for Discharge of Functions) (England) Regulations 2000 with Hertfordshire County Council, and in exercise of the powers of the said County Council under Sections 1, 2, 3, 4, and Part IV including sections 32, 35, 35A, 45-53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended from time to time ("the Act"), and of Part 6 of the Traffic Management Act 2004 and under all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act.

1 CITATION COMMENCEMENT AND REVOCATIONS

- 1.1 This Order shall come into operation on 7 NOVEMBER 2009 and may be cited as "The Three Rivers (Beechcroft Avenue & Hazelwood Road, Croxley Green) (Prohibition of Waiting, Waiting Restrictions and Restricted Parking) Order 2009".
- 1.2 This Order revokes The Hertfordshire (Various Roads, Croxley Green) (Waiting Restrictions)
 Consolidation Order 2001 (hereinafter referred to as "the 2001 Order") only insofar as set out in
 Schedule 1 of this Order.
- 1.3 The restriction imposed by this Order shall be in addition 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.

2 INTERPRETATION

- 2.1 In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:
 - "Council" means Three Rivers District Council and includes any parking services contractors or authorised agent appointed by and acting on behalf of the Council for the purposes of any function under the provisions of this Order;
 - "Civil Enforcement Officer" has the same meaning as in section 76 of the Traffic Management Act 2004
 - **"Designated Officer"** means an officer of the Council nominated by the Head of Planning and Transportation or equivalent to carry out Council functions associated with the provisions of this Order
 - "disabled person's badge" has the same meaning as in section 142(1) of the Road Traffic Regulation Act 1984
 - "disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge
 - "driver", in relation to a vehicle waiting in a Parking Place or restricted waiting area, means the person driving the vehicle at the time it was left in the Parking Place or restricted waiting area;
 - "enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
 - "goods" means goods of any kind whether animate or inanimate and includes postal packets of any description; and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;
 - "goods carrying vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

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"household" means a dwelling with a separate entry on the Council's Council Tax register;

"motorcycle" has the same meaning as that in the Road Vehicles (Construction and Use) Regulations 1986;

"owner", in relation to a vehicle, means the person by whom the vehicle is kept , which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (c22) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered

"parking bay" means a parking area within a Parking Place;

"Parking Place" means any area on a highway designated as a Parking Place by this Order;

"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;

"penalty charge" means a penalty charge imposed under Part 6 of the Traffic Management Act 2004

"permitted hours" means the periods of operation stated for each particular restriction within Schedules 2-3;

"protective cover" means a transparent cover designed to protect a permit displayed under the provisions of Article 16;

"special parking permit" means a permit issued under the provisions of Articles 17 and 18;

"special parking permit holder" means a person to whom a permit has been issued under the provisions of Articles 17 and 18;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984 (c.12);

"traffic sign" has the meaning given by section 64 of the Road Traffic Regulation Act 1984

- 2.2 Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
- 2.3 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.
- For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when it is so regarded for the purposes of Regulation 3 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986, as amended by the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.

PART II - RESTRICTIONS AND PARKING PLACES

Section 1 - Provisions of the Order

3 NO WAITING AREAS AND RESTRICTED WAITING AREAS

- 3.1 Subject to the provisions of this Order, the sides and locations of streets referred to in Schedule 2 are hereby designated as being No Waiting At Anytime areas.
- 3.2 Subject to the provisions of this Order, the sides and locations of streets referred to in Schedule 3 are hereby designated as being restricted waiting areas where waiting is limited to 1 hour no return within 2 hours, Monday to Saturday 8.30 am to 5.30 pm.
- 3.3 Nothing in this order shall render it unlawful to cause or permit any vehicle to wait for so long as may be necessary for the purpose of enabling goods to be loaded or unloaded from the vehicle in any lengths of road specified in the Schedules to this order at any time on any day..
- A vehicle which displays in the relevant position a special parking permit issued by any Local Authority may be left in any lengths of road specified in Schedule 3 to this order subject to the conditions or limitations as shall be indicated on the permit.

4 A VEHICLE WAITING UPON THE DIRECTION OR WITH THE PERMISSION OF AN AUTHORISED PERSON

4.1 Nothing in Article 3 shall render it unlawful for a person to cause or permit any vehicle to wait on the sides of the road or in the lengths of the road referred to therein if it shall be upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer in uniform.

5 DESIGNATION OF PARKING PLACES

- 5.1 Each area on a highway comprising the length of carriageway of a street specified in Schedule 3 which shall be bounded on one side of that length by the edge of the carriageway and having a minimum width throughout of 1.8 metres, is hereby designated as a Parking Place.
- 5.2 Each area on a highway comprised within a Parking Place and marked out for the purposes of parking in accordance with the provisions of this Order, is hereby designated as a parking bay.

6 PARTS OF PARKING PLACES IN WHICH VEHICLES MAY NOT BE LEFT

6.1 No person shall cause or permit any vehicle to wait in an area designated as a Parking Place unless authorised by the subsequent provisions of this Order.

7 VEHICLES FOR WHICH PARKING PLACES ARE DESIGNATED

5.1 Subject to the provisions of this Order, Parking Places may be used for the leaving during the permitted hours of vehicles of the following class, that is to say, passenger vehicles, goods carrying vehicles (the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres), motorcycles and invalid carriages.

8 EXEMPTIONS FROM RESTRICTIONS UNDER THIS ORDER

8.1 (a) A disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any Local Authority and parking disc (marked to show the quarter hour period during which the period of exempted waiting began) may wait in the lengths of road referred to in Schedule 2 to this Order 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 in the same lengths or road).

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- (b) A disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any Local Authority may wait at any time in lengths of road referred to in Schedule 3 to this Order.
- 8.2 Without prejudice to the generality of this Article, and notwithstanding the provisions of this Order, a vehicle to which this Article applies shall stand in a Parking Place in accordance with the provisions of Article 9 and wholly within the limits of that Parking Place.

PART III - SUPPLEMENTARY PROVISIONS

Section 1 - General

9 MANNER OF STANDING IN A PARKING PLACE

9.1 Every vehicle left in a Parking Place in accordance with the foregoing provisions of this Order shall so stand so that every part of the vehicle is within the limits of the Parking Place and so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres.

10 POWER TO SUSPEND THE USE OF A PARKING PLACE

- Any person duly authorised by the Council or the Police may suspend the use of a Parking Place or any part thereof whenever they consider such suspension reasonably necessary:
 - 10.1.1 for the purpose of facilitating the movement of traffic or promoting its safety;
 - 10.1.2 for the purpose of any building operation, demolition or excavation adjacent to the Parking Place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the Parking Place, the laying, erection, alteration or repair in or adjacent to the Parking Place of any sewer or of any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunication system or the placing, maintenance or removal of any traffic sign;
 - 10.1.3 for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the Parking Place from or to a depository, another office or dwelling-house;
 - on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - 10.1.5 for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals, or on other special occasions.
- A police constable in uniform may suspend for not longer than twenty-four hours the use of a Parking Place or any part thereof whenever they consider such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- Any person or police constable suspending the use of a Parking Place or any part thereof in accordance with the provisions of paragraph 10.1 or, as the case may be, paragraph 10.2 of this Article shall thereupon place or cause to be placed in or adjacent to that Parking Place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.
- 10.4 No person shall cause or permit a vehicle to be waiting at a Parking Place or any part thereof during which such period as there is in or adjacent to that Parking Place or part thereof a traffic sign placed in pursuance of paragraph 10.3 of this Article provided that nothing in this paragraph shall apply:

- in respect to any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 12.1.2, 12.1.4 or 12.1.5; or
- 10.4.2 to anything done with permission of the person suspending the use of the Parking Place or part thereof in pursuance of paragraph 10.1 of this Article or a police constable in uniform.

11 RESTRICTION ON THE USE OF A PARKING PLACE

- During the permitted hours no person shall use any Parking Place or any vehicle while it is in a Parking Place in connection with the sale or offering or exposing for sale of any goods to any person in or near the Parking Place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity PROVIDED THAT nothing in this Article shall prevent the sale of goods from a vehicle:
 - if the vehicle is a passenger vehicle, a goods carrying vehicle, a motor cycle or an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or
 - 11.1.2 if the vehicle is one to which the provisions of Article 12.1.8 apply.

12 RESTRICTION ON WAITING BY A VEHICLE BY A VEHICLE IN A PARKING PLACE

- Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a Parking Place if the use of that part has not been suspended and if:
 - the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or load thereon or unload therefrom their personal luggage;
 - the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
 - the vehicle is being used for fire brigade, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;
 - the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - 12.1.5 the vehicle is waiting:
 - while postal packets addressed to premises adjacent to the Parking Place in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered; or
 - (ii) while postal packets are being collected for the loading on the vehicle from premises or posting boxes adjacent to the Parking Place in which the vehicle is waiting or, having been so collected, are being unloaded thereon;
 - the vehicle not being a passenger vehicle is waiting only for as long as may be reasonably necessary to enable it to be used for the purpose specified in Article 10.1.2;
 - the vehicle is in actual use in connection with the removal of furniture to or from an office or a dwelling-house adjacent to the Parking Place from or to a depository, another office or dwelling-house;

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- in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the Parking Place in which the vehicle is waiting and the vehicle does not wait for a period exceeding twenty minutes or for such longer period as a police constable in uniform or Civil Enforcement Officer in uniform may approve.
- No charge specified in the provisions of this Order shall be payable in respect of any vehicle waiting in a Parking Place in accordance with the foregoing provisions of this Article.
- 12.3 Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a Parking Place during the permitted hours.
- 12.4 Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Road Traffic Regulation Act 1984.

13 MANNER OF WAITING IN A PARKING PLACE

- No person shall cause or permit a vehicle to wait in a Parking Place by virtue of the provisions of paragraph 12.1.5, 12.1.6, 12.1.7 or 12.1.8 of the last preceding Article otherwise than:
 - in the case of a Parking Place, so that every part of the vehicle is within the limits of the Parking Place and so that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheel of the vehicle is not more than 300 millimetres; and
 - so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting.
- for the purposes of the last preceding sub-paragraph, the expression "premises" shall not include any premises to or from which any furniture is being removed by virtue of the provisions of paragraph 12.1.7 or to or from which goods are being delivered or collected by virtue of the provision of paragraph 12.1.8.

14 PLACING OF TRAFIC SIGNS

- 14.1 The Council shall:
 - 14.1.1 place and maintain traffic signs indicating the limits of each Parking Place and each parking bay;
 - 14.1.2 place and maintain in or in the vicinity of each parking bay traffic signs of a design approved by the Secretary of State for Transport indicating that such parking bays may be used during the permitted hours for the leaving only of the vehicles specified in Article 7; and
 - carry out such other work as it reasonably requires for the purposes of the satisfactory operation of a Parking Place.

Section 2 - Civil Enforcement of Traffic Contraventions

15 LAIBILITY FOR PENALTY CHARGES

15.1 If a vehicle (other than a vehicle otherwise exempted by this Order) is left within a Parking Place during the permitted hours in contravention of any provision of this Order a Penalty Charge shall be payable.

- 15.2 If a vehicle (other than a vehicle otherwise exempted by this Order) is left within a no waiting area referred to in Schedule 2 or a restricted waiting area referred to in Schedule 3 in contravention of any of the provisions of this Order a Penalty Charge shall be payable
- 15.3 The civil enforcement of traffic contraventions is governed by Part 6 of the Traffic Management Act 2004 and by regulations made thereunder from time to time and for the time being in force for and in connection with the imposition of Penalty Charges in respect of road traffic contraventions and the payment of such Penalty Charges including the immobilisation of vehicles where a Penalty Charge is payable

Section 3 - Special Permits

16 SPECIAL PARKING PERMITS TO BE DISPLAYED ON VHEICLES LEFT IN PARKING PLACES

16.1 At all times during which a vehicle (other than a vehicle otherwise exempted by this Order) is left in a Parking Place during the permitted hours, the driver thereof shall cause to be displayed on the front or near side of the vehicle the valid special parking permit issued in respect of that vehicle, so that all the particulars referred to in Article 23 are readily visible from the front or near side of the vehicle.

17 APPLICATION FOR AND ISSUE OF SPECIAL PARKING PERMITS

- 17.1 Any person may at any time apply to the Council for the issue of a special parking permit in respect of a vehicle of the class specified in Article 7.1 identifying the user of the vehicle. The decision to issue a special parking permit is at the discretion of the Council's Designated Officer. Without prejudice to the generality of the Council's Designated Officer's discretion the following circumstances may be relevant to an application:
 - 17.1.1 the applicant's exceptional medical needs;
 - 17.1.2 the applicant's exceptional social needs;
 - 17.1.3 any exceptional difficulty experienced by a carer for any resident;
 - 17.1.4 the applicant's exceptional employment situation which requires that the applicant's vehicle be parked of necessity for business purposes near the applicant's home
- 17.2 The Council may at any time require an applicant for a special parking permit or a special parking permit holder to produce to an officer of the Council or authorised agent such evidence in respect of an application for a special parking permit made to them as they may reasonably call for to verify any particulars or information given to them or in respect of any special parking permit issued by them as they may reasonably call for to verify that the special parking permit is valid.

18 TERMS AND EFFECT FO SPECIAL PARKING PERMITS

- 18.1 A special parking permit shall be issued subject to such terms and conditions as the Council's Designated Officer shall think fit.
- 18.2 A special parking permit shall authorise the user of the vehicle identified by the applicant to leave the vehicle specified therein:
 - 18.2.1 in any Parking Place, or part thereof, or any restricted waiting area, or part thereof, and
 - 18.2.2 on such day or days, during such periods and at such times during the permitted hours, and
 - 18.2.3 subject to such conditions or limitations as shall be indicated on the permit.

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- 18.3 A special parking permit shall be valid for such a period as the Council's Designated Officer shall think fit but in any event no longer than a period of twelve months from the date the permit first becomes valid.
- 18.4 The Council's Designated Officer may issue any special parking permit free of charge or may make such a charge as appears to be reasonable in the circumstances of each application having due regard to the charges for resident permits.

19 REFUND OF CHARGE PAID IN RESPECT OF SPECIAL PARKING PERMIT

19.1 A special permit holder who surrenders a special permit to the Council whether before or after it becomes valid will not be entitled to a refund of the charges paid unless the Council in its discretion considers that there are exceptional circumstances to justify refunding the charge in full or in part.

20 WITHDRAWAL AND VALIDITY OF SPECIAL PARKING PERMITS

- 20.1 The Council may, by notice in writing served on the special parking permit holder by sending the same by the recorded delivery service to the special parking permit holder at the address shown by that person on the application for the special person's place of abode, withdraw a special parking permit if it appears to the Council's Designated Officer that there are sufficient reasons to justify withdrawal of the special parking permit having regard to the circumstances of the permit holder, so far as they may be know, and the permit holder shall surrender the permit to the Council within 48 hours of receipt of the aforementioned notice.
- 20.2 Without prejudice to the foregoing provisions of this Article, a special parking permit shall cease to be valid at the expiration of the period specified thereon, or on the occurrence of the events set our in paragraph 20.1 of this Article, whichever is the earlier.
- Where a special parking permit is issued to any person upon receipt of a cheque or credit card and the payment is subsequently dishonoured, the special parking permit shall cease to be of any effect and the Council shall be notice in writing served on the person to whom such permit was issued by sending the same by recorded delivery service to the permit holder at the address shown by that person on the application for the special parking permit or at any other address believed to be that person's place of abode, require that person to surrender the special parking permit to the Council within 48 hours of the receipt of the aforementioned notice.

21 APPLICATION FOR AND ISSUE OF DUPLICATE SPECIAL PARKING PERMITS

- 21.1 If a special parking permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the special parking permit has become altered by fading or otherwise, the special parking permit holder shall either surrender it to the Council apply to the Council for the issue to them of a duplicate special parking permit and the Council, upon receipt of the special parking permit, shall issue a duplicate special parking permit, so marked, and upon such issue the original special parking permit shall become invalid.
- 21.2 If a special parking permit is lost or destroyed, the special parking permit holder may apply to the Council or authorised agent for the issue to them of a duplicate special parking permit and the Council upon being satisfied as to such loss or destruction, shall issue a duplicate special parking permit, so marked, and upon such issue the original special parking permit shall become invalid.
- 21.3 The provisions of this Order shall apply to a duplicate special parking permit and an application therefore as if it were a special parking permit or, as the case may be, an application therefore.

22 RESTRICTIONS ON THE REMOVAL OF SPECIAL PARKING PERMITS

Where a special parking permit has been displayed on a vehicle in accordance with the provisions of Article 29, no person, not being the driver of the vehicle, shall remove the special parking permit unless authorised to do so by the driver of the vehicle.

23 FORM OF SPECIAL PARKING PERMITS

- 23.1 A special parking permit shall be in writing and shall include the following particulars:
 - 23.1.1 the period during which, subject to the provisions of Article 16, the special parking permit shall remain valid;
 - 23.1.2 an indication that the parking permit has been issued by the Council;
 - 23.1.3 an indication of the Parking Place or Parking Places with which the special parking permit is valid.

SCHEDULE NUMBER	DESCRIPTION	
1	Revocations	
2	No Waiting At Any Time	
3	Waiting limited to 1 hour no return within 2 hours, Monday to Saturday 8.30 am to 5.30 pm	

SCHEDULE 1 - REVOCATIONS

The Hertfordshire (Various Roads, Croxley Green) (Waiting Restrictions) (Consolidation) Order 2001 is hereby revoked, in so far that it refers to the following lengths of road:

Schedule 1 - No Waiting At Anytime

Street Name	Side of Street	Location
Hazelwood Road	South	From its junction with A412 Watford Road eastwards for a distance of approximately 10 metres.
Hazelwood Road	North	From its junction with A412 Watford Road eastwards for a distance of approximately 11 metres.

Schedule 3 - No Waiting Monday to Saturday 8.30 am to 6.30 pm

Street Name	Side of Street	Location
Hazelwood Road	South	From a point approximately 10 metres east of its junction with A412 Watford Road eastwards for a distance of approximately 24 metres.

SCHEDULE 2 - RESTRICTIONS

No Waiting At Any Time

Street Name	Side of Street	Location
Hazelwood Road	South	From its junction with A412 Watford Road south-eastwards for a distance of 10 metres.
Hazelwood Road	North	From its junction with A412 Watford Road south-eastwards for a distance of 34 metres.
Beechcroft Avenue	Both	From its junction with Hazelwood Road north-eastwards for a distance of 15 metres.
Hazelwood Road	North	From its junction with Beechcroft Avenue north-westwards for a distance of 12 metres.
Hazelwood Road	North	From its junction with Beechcroft Avenue south-eastwards for a distance of 10 metres.
Hazelwood Road	South .	From a point 28 metres south-east of its junction with A412 Watford Road south-eastwards for a distance of 6 metres.

SCHEDULE 3 - RESTRICTIONS

Waiting limited to 1 hour no return within 2 hours, Monday to Saturday 8.30 am to 5.30 pm

Street Name	Side of Street	Location
Hazelwood Road	South	From a point 10 metres south-east of its junction with A412 Watford Road south-eastwards for a distance of 18 metres.

IN WITNESS whereof the Common Seal of the Three Rivers District Council was hereunto affixed this 30%, day of 0 c to 0 2009

The Common Seal of
Three Rivers District Council
hereunto affixed
is authenticated by
Director of Corporate Resources & Governance



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