

WELWYN HATFIELD BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE BOROUGH OF WELWYN HATFIELD (VARIOUS ROADS, BIRCHWOOD, HATFIELD) (PROHIBITION OF STOPPING AND WAITING ON VERGE OR FOOTWAY) ORDER 2019

The Welwyn Hatfield Borough Council (hereinafter referred to as "the Council") pursuant to arrangements made with Hertfordshire County Council ("the County Council") under Section 19 Local Government Act 2000 and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 in exercise of the powers of the said County Council under Sections 1(1), 2(1) to (3), 3(2), 4(1) and 4(2) of the Road Traffic Regulation Act 1984 (herein referred to as "the Act of 1984") and Part IV of Schedule 9 of the Act of 1984 and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Paragraph 20 of Schedule 9 to the Act of 1984, hereby makes the following Order:-

1. (a) This Order shall come into operation on Monday 12th August 2019 and may be cited as **"The Borough of Welwyn Hatfield (Various Roads, Birchwood, Hatfield) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2019"** hereinafter referred to as 'this Order'

(b) The Borough of Welwyn Hatfield (Various Roads, Birchwood, Hatfield) (Prohibition of Stopping and Waiting on Verge or Footway) Order Plans – MM/VPO/001/2019 and MM/VPO/002/2019 (hereinafter referred to as the "accompanying plans") are incorporated into this Order.

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"the Act of 1984" means the Road Traffic Regulation Act 1984;

"the Council" means Welwyn Hatfield Borough Council;

"accompanying plans" means the plans MM/VPO/001/2019 and MM/VPO/002/2019 as incorporated into The Borough of Welwyn Hatfield (Various Roads, Birchwood, Hatfield) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2019.

"carriageway" has the same meaning as in Section 329 of the Highways Act 1980, but does not include lay-bys;

"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;

"footway" has the same meaning as in Section 329 of the Highways Act 1980;

"legally qualified medical practitioner" has the same meaning as 'fully registered medical practitioner' in the Medical Act 1983;

"medical practitioner" has the same meaning as 'legally qualified medical practitioner';

"parking attendant" has the same meaning as in Section 63A of the Road Traffic Regulation Act 1984 and by virtue of Section 76 Traffic Management Act 2004, a

parking attendant appointed under Section 63A of the Road Traffic Regulation Act 1984 is a civil enforcement officer in relation to parking contraventions;

"provision of a universal postal service", "universal service provider" and "postal packet" shall bear the same meanings as in section 65 of the Postal services Act 2011;

"road" means the full width – including any footway or verge – of any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under section 64 of the Act of 1984;

"vehicle crossover" means a metalled surface constructed specifically as a means of access across a verge from the carriageway of a road, to a private driveway or private parking place;

"verge" means any land forming part of the road which is neither carriageway nor footway.

(2) In this Order, except where the context otherwise requires:-

- (a) Any reference to a numbered article or a numbered Schedule is a reference to the Article or Schedule bearing that number in this Order;
- (b) Any reference to a numbered or lettered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number or letter in the Article or Schedule or (in the case of a sub-paragraph) paragraph in which the reference occurs; and
- (c) Any reference to a Table, or to a numbered Table, is a reference to the Table, or to the Table bearing that number, in the Article or Schedule in which that reference occurs.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment;

(4) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under or having effect as if made under the Road Traffic Regulation Act 1984, or by or under any other enactment;

(5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

- 3. Save as provided in Articles 4, 5 and 6 of this Order no person shall, except upon the direction of, or with the permission of a Police Constable in uniform, or with the permission of a parking attendant, cause or permit any vehicle to stop or wait at any time with two or more wheels on any part of the verge, vehicle crossover or footway, where stopping and waiting is prohibited as shown in the "accompanying plan" and indicated in the key to that plan and as listed in the Schedule to this Order.
- 4. (1) Nothing in Article 3 of this Order applies to the lengths of road restricted by that Article (which said lengths of road are referred to in this Article as "the restricted area") in relation to -

- (a) A vehicle being used for Fire and Rescue, Ambulance or Police purposes; if the observance of that provision would be likely to hinder the use of that vehicle for the purpose for which it is being used on that occasion
- (b) a vehicle which is prevented from proceeding by circumstances beyond the driver's control or which has stopped in order to avoid injury or damage to persons or property or when required to do so by law;
- (c) a vehicle which is stationary in order that it may be used for one or more of the purposes specified in sub-Article (2) of this Article and which cannot reasonably be used for such a purpose without stopping in the restricted area;
- (d) a marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected.

(2) The "purposes" referred to in sub-Article (1) (c) of this Article are -

- a) any operation involving building, demolition or excavation;
- b) the removal of any obstruction to traffic;
- c) the maintenance, upgrading, improvement to, or reconstruction of a road;
- d) construction, improving, maintaining, or cleaning of any street furniture; or
- e) the laying, erection, alteration, repair or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus kept or installed for the purposes of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.

5. Nothing in Article 3 of this Order applies to lengths of road restricted by that Article (which said lengths of road are referred to in this Article as "the restricted area") so as to render it unlawful to cause or permit a vehicle to stop or wait on any vehicle crossover for so long as may be necessary -

- (a) To enable goods to be loaded on or unloaded from the vehicle from or to premises adjacent to the restricted area; or
- (b) To enable a passenger to board or alight and to load and unload any luggage.
- (c) To enable a medical practitioner, or to enable a Midwife, a District Nurse or a health Visitor registered with the Nursing and Midwifery Council or a carer to make a house call on a patient;
- (d) To enable the vehicle to be used in connection with the removal of furniture from one office or dwelling house to another, or the removal of furniture from such premises to a depository or to such premises from a depository;
- (e) a marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected.

6. (1) Nothing in Article 3 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 to stop or wait any time on a vehicle crossover where stopping and waiting is prohibited as shown in the "accompanying plan" to this Order and identified in the key to that plan as no stopping or waiting, for a period not

exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of stopping or waiting by the same vehicle on the same vehicle crossover

(2) In this Article –

“disabled person’s vehicle” has the same meaning as in Section 142 (1) of the Act of 1984;

“disabled person’s badge” has the same meaning as given in Regulation 3(1) of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

“parking disc” has the same meaning as given in Regulation 8 (5) of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and

“relevant position” has the same meaning as given in Regulation 4 of The Local Authorities Traffic Orders (Exemptions for Disabled persons) (England) Regulations 2000.

7. (1) Where a person contravenes any of the restrictions set out in the provisions of this Order, or a vehicle is left on any verge, vehicle crossover, or footway, otherwise than in accordance with the provisions of this Order, the Owner of the Vehicle in question shall incur a penalty charge.

(2) That charge shall be payable to Welwyn Hatfield Borough Council in accordance with the instructions contained on the Penalty Charge Notice.

8. The provisions of the following Order are hereby revoked but only in so far as they are affected by the restrictions imposed by this Order and the relevant Schedule –

The Borough of Welwyn Hatfield (Control of Parking) (Consolidation) Order 2017

SCHEDULE No Stopping or Waiting at any time on verge or footway	
Plan Numbers	MM/VPO/001/2019 and MM/VPO/002/2019

GIVEN under the Common Seal of the Welwyn Hatfield Borough Council this 2nd day of July 2019

THE COMMON SEAL of the WELWYN)
HATFIELD BOROUGH COUNCIL was)
hereunto affixed in the presence of:-)

Mayor

S. Saunders

Authorised Officer



WELWYN HATFIELD BOROUGH COUNCIL

THE BOROUGH OF WELWYN HATFIELD (VARIOUS ROADS, BIRCHWOOD, HATFIELD) (RESTRICTION OF WAITING) ORDER 2019

THE BOROUGH OF WELWYN HATFIELD (VARIOUS ROADS, BIRCHWOOD, HATFIELD) (PROHIBITION OF STOPPING AND WAITING ON VERGE OR FOOTWAY) ORDER 2019

NOTICE IS HEREBY GIVEN that the Welwyn Hatfield Borough Council (pursuant to arrangement made with Hertfordshire County Council) has made the above Orders under the Road Traffic Regulation Act 1984 to introduce restrictions in **Various Roads, Birchwood, Hatfield**, as specified in the Schedule(s) to this Notice. The Orders will come into effect on Monday 12th August 2019

Documents giving more detailed particulars of the Orders may be inspected from Wednesday 3rd July to Thursday 15th August 2019 during normal office hours at the offices of Welwyn Hatfield Borough Council, The Campus, Welwyn Garden City or viewed at www.welhat.gov.uk

General enquiries relating to the Orders should be referred to Matthew McCann, Parking Services, Council Offices, Welwyn Garden City, AL8 6AE (01707 357000); email parking@welhat.gov.uk

Any person wishing to question the validity of the Order, or of any provision contained in it, on the grounds that it is not within the powers conferred by the Road traffic Regulation Act 1984, or on the grounds that any requirement of the Act or any instrument made under it has not been complied with in relation to the Order, may within 6 weeks from the date of this Notice apply to the High Court for this purpose.

SCHEDULE 1 - No waiting at any time (double yellow lines) - those sections of road(s) listed below as set out in the Order and accompanying plans

Access Road to Birchwood Leisure Centre, Birchwood Close, Birchway, Branch Close, Burnside Close, Chelwood Avenue, Cornerfield, Crawford Road, Crop Common, Great Heath, Green Croft, Ground Lane, Heathcote Avenue, Hillfield, Homestead Road, Jubilee Court, Little Mead, Lockley Crescent, Longmead, Northfield, Talbot Road, Warren Close, Warren Green, West View, Wood Common

SCHEDULE 2 - No stopping or waiting on verge or footway at any time – those sections of road(s) listed below as set out in the Order and accompanying plans

Access Road to Birchwood Leisure Centre, Birchwood Avenue, Birchwood Close, Birchway, Branch Close, Chelwood Avenue, Cornerfield, Crawford Road, Drovers Way, Great Heath, Green Croft, Heathcote Avenue, Hillfield, Homestead Road, Little Mead, Lockley Crescent, Longmead, Northfield, Talbot Road, Warren Close, Warren Green, West View, Wood Common

Ka Ng
Corporate Director
Resources, Environment and Cultural Services
Council Offices, The Campus, Welwyn Garden City, Herts AL8 6AE

3rd July 2019

WELWYN HATFIELD BOROUGH COUNCIL

STATEMENT OF REASONS FOR PROPOSING

THE BOROUGH OF WELWYN HATFIELD (VARIOUS ROADS, BIRCHWOOD, HATFIELD) (RESTRICTION OF WAITING) ORDER 2019

THE BOROUGH OF WELWYN HATFIELD (VARIOUS ROADS, BIRCHWOOD, HATFIELD) (PROHIBITION OF STOPPING AND WAITING ON VERGE OR FOOTWAY) ORDER 2019

Welwyn Hatfield Borough Council is proposing to introduce “no waiting at anytime” (double yellow lines), and also a prohibition of stopping and waiting on verge or footway in Various Roads, Hatfield.

Residents and businesses of the area were consulted on proposed parking restrictions to prevent parking on junctions and congestion. Parking on verges and footways is an unnecessary obstruction and inconvenience to other road users and causes damage to the highway and underground services. Existing by-laws in force prohibit parking on grass verges, however current legislation does not allow their enforcement by Civil Enforcement Officers.

The proposed restrictions:

No waiting at any time

- In parts of Access Road to Birchwood Leisure Centre, Birchwood Close, Birchway, Branch Close, Burnside Close, Chelwood Avenue, Cornerfield, Crawford Road, Crop Common, Great Heath, Green Croft, Ground Lane, Heathcote Avenue, Hillfield, Homestead Road, Jubilee Court, Little Mead, Lockley Crescent, Longmead, Northfield, Talbot Road, Warren Close, Warren Green, West View, Wood Common

No stopping or waiting on verge or footway at any time

- In parts of Access Road to Birchwood Leisure Centre, Birchwood Avenue, Birchwood Close, Birchway, Branch Close, Chelwood Avenue, Cornerfield, Crawford Road, Drovers Way, Great Heath, Green Croft, Heathcote Avenue, Hillfield, Homestead Road, Little Mead, Lockley Crescent, Longmead, Northfield, Talbot Road, Warren Close, Warren Green, West View, Wood Common

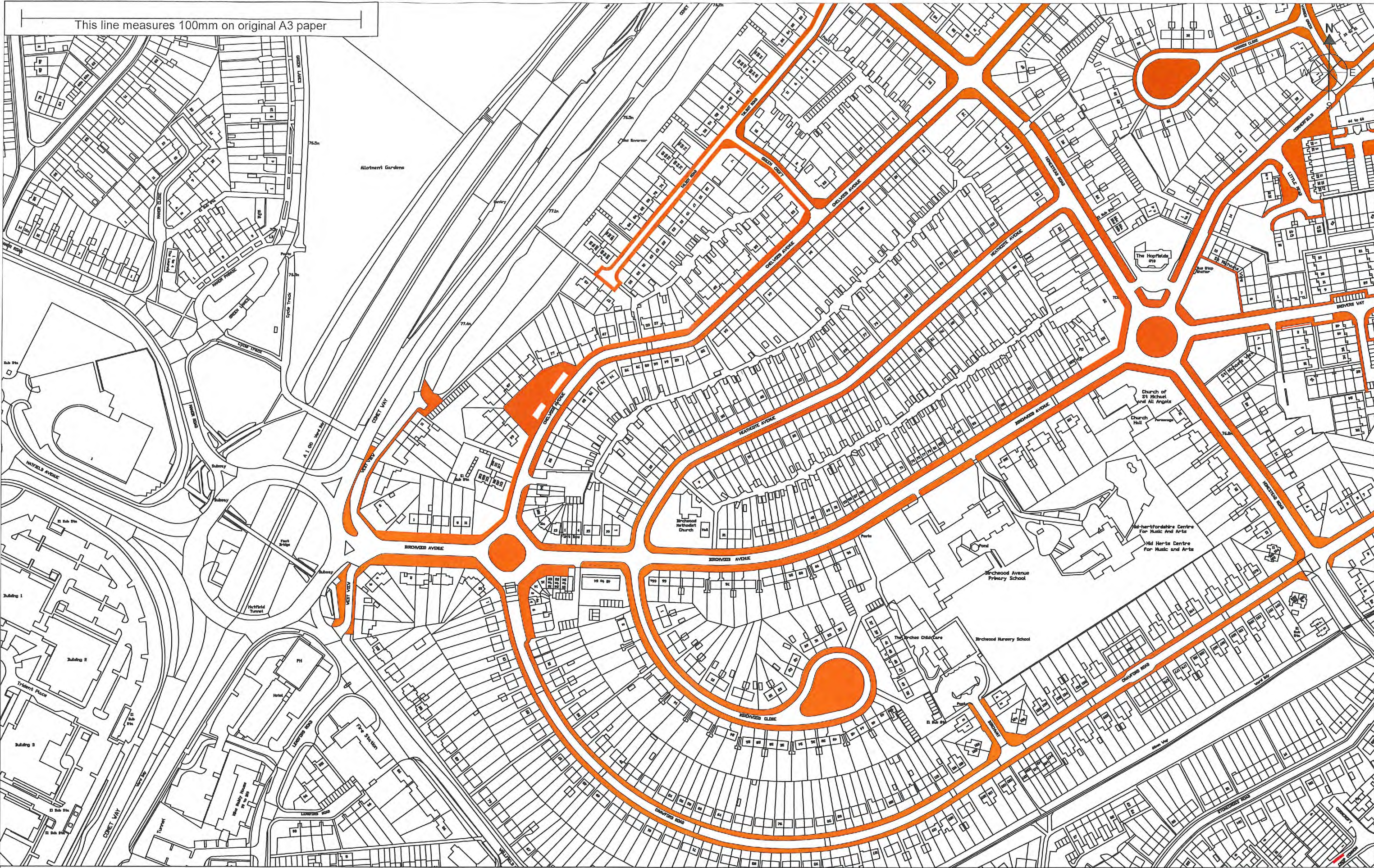
Having considered the duty imposed by Section 122 Road Traffic Regulation Act 1984, it appears to Welwyn Hatfield Borough Council that it is necessary and expedient to make the Order for the following reasons;

- **For the avoidance of danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising**
- **For preventing the use of the road by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property.**
- **For facilitating the passage on the road or any other road of any class of traffic including pedestrians.**

The proposal has been subject to consultation with local and county councillors representing the area and Hertfordshire County Council. The local Police, Ambulance, Fire and Rescue Services and local residents.

Ka Ng
Corporate Director
Resources, Environment and Cultural Services
Welwyn Hatfield Borough Council
Council Offices, The Campus, Welwyn Garden City, Herts AL8 6AE

2nd July 2019



Title:- The Borough of Welwyn Hatfield (Various Roads, Birchwood, Hatfield) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2019 Plans. Plan 1 of 2

Key:-

Orange line: No Stopping or Waiting at any time on Verge or Footway

Scale - 1:2500 on A3
Drawn - 23/01/2019
By - Parking Services - MM
Drawing - MM/VPO/001/2019



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Title:- The Borough of Welwyn Hatfield (Various Roads, Birchwood, Hatfield) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2019 Plans. Plan 2 of 2

Key:-

 No Stopping or Waiting at any time on Verge or Footway

Scale - 1:2500 on A3
Drawn - 23/01/2019
By - Parking Services - MM
Drawing - MM/VPO/002/2019



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