

NOTICE OF MAKING

HEREFORDSHIRE COUNCIL (U80331HOLMER ROAD SERVICE ROAD, HEREFORD) (PROHIBITION OF WAITING) ORDER 2017

Notice is hereby given that the County of Herefordshire District Council, ("the Council"), in exercise of its enabling powers has made the above named order under the Road Traffic Regulation Act 1984.

The effect of the Order is to formalise the Prohibition of Waiting restrictions in Holmer Road Service Road, Hereford.

A copy of the Order, which comes into operation on 8th September 2017 together with the relevant plan, any orders to be revoked and statement of the Council's reasons for making the Order, can be viewed on the Council's website at www.herefordshire.gov.uk in the Traffic Regulation Order section. They are also available for inspection during normal office hours at the Council Offices, Plough Lane, Hereford HR4 0LE, (01432 383611) and at the Hereford Centre, Franklin House, 4 Commercial Road, Hereford, HR1 2BB, (01432 260500). Photocopies of the same may be provided on payment of photocopying charges at the Council. General enquiries relating to the proposal should be referred to the Traffic Management Team at ADL Traffic Engineering Ltd (Tel: 01454 332100).

If any person wishes to question the validity of the Order or of any of its provisions on the grounds that it or they are not within the powers conferred by the Act, or that any requirement of the Act or of any instrument made under the Act has not been complied with that person may, within six weeks from the date on which the order is made, apply for the purpose to the High Court.

Richard Ball
Assistant Director Environment and Place

ROAD TRAFFIC REGULATION ACT 1984

HEREFORDSHIRE COUNCIL (U80331 HOLMER ROAD SERVICE ROAD, HEREFORD) (PROHIBITION OF WAITING) ORDER 2017

The County of Herefordshire District Council ("the Council") in exercise of its powers under sections 1 and 2 of the Road Traffic Regulation Act 1984 (referred to as "the Act"), 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 Part III of Schedule 9 of the Act, hereby makes the following Order:

1. This Order shall come into operation on the 8th day of September 2017 and may be cited as Herefordshire Council (U80331 Holmer Road Service Road, Hereford) (Prohibition of Waiting) Order 2017.

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

"Disabled Permit Holders" means a person who has been issued with a valid Disabled Person Badge;

"Disabled Person's Badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 2000;

"Disabled Person's Vehicle" means a vehicle displaying a valid Disabled Persons Badge and Parking Disc.

"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.

"Light Goods Vehicle" means a motor vehicle, the maximum gross weight of which does not exceed 3.5 tonnes, which is constructed or adapted for use for the carriage of goods or burden of any description, and is not drawing a trailer.

"Motor Cycle" and "invalid carriage" have the same meaning respectively as in Section 136 of the 1984 Act.

"Owner", in relation to a vehicle, means the person by whom such vehicle is kept and used.

"Civil Enforcement Officer" means a person appointed in accordance with the provisions of Section 76 Traffic Management Act 2004

"Parking Disc" has the same meaning as in the Disabled Persons (Exemptions for Disabled Persons) (England) Regulations 2000.

"Passenger Vehicle" means a motor vehicle (other than a Motor Cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and

adapted to carry not more than twelve passengers exclusive of the Driver, and not drawing a trailer.

“Public Service Vehicle” means a motor vehicle, including a tramcar or trolley vehicle, used for carrying passengers for hire or reward which either (1) is carrying passengers at separate fares: or (2) is not carrying passengers for separate fares but is adapted to carry eight or more passengers.

- (2). For the purpose of this Order a vehicle shall be regarded as displaying
- (a) a Disabled Person’s Badge in the relevant position, when:
- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that the front of the badge is legible from outside the vehicle; and
- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle.
- (b) a Parking Disc in the relevant position, when:
- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; and
- (ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle.
3. Save as provided in Articles 12 and 13 of this Order no person shall, except upon the direction or with the permission of a Police Officer or of a Civil Enforcement Officer in uniform, cause or permit any vehicle to wait at Any time in the lengths of road specified in the Schedule to this Order for identification purposes only has been shown on the attached plan.

Power to Suspend Prohibition of Parking and Restriction of Waiting and Residents Parking

4. Nothing in Articles 3 of this Order:
- (a) shall restrict the power of the Council or the police for preventing obstruction of the streets, by order or otherwise 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; or
- (b) shall authorise the use of any part of the road so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to the use of thereof, or so as to be a nuisance.

Use of a Parking Place

5. 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 entitled to do so, or so as to be a nuisance:
- (b) when for preventing obstruction of the streets the Council shall by order or otherwise made on the occasion of any public procession, rejoicing or illumination

or when the streets are thronged or liable to be obstructed have closed that Parking Place and exhibited notice of such closing on or near the Parking Place.

6. 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.
7. Unless the prior written consent of the Council is obtained 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.
8. A vehicle parked within a Parking Place must be parked wholly within the road markings (if any) for the Parking Place.
9. When a vehicle is left in a Parking Place in contravention of any of the provisions contained in paragraphs (a) or (b) of Article 5 of this Order a police constable in uniform or Civil Enforcement Officer in uniform or a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that Parking Place.
10. Any person moving a vehicle 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 as aforesaid.
11. When a police constable or a Civil Enforcement Officer in uniform, or a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 9 above of this Order, they shall make such arrangements as may be reasonably necessary for the reasonable safe custody of that vehicle.

Exemptions

12. Where referred to in this Order nothing shall render it unlawful to cause or permit any vehicle to wait on the sides of those lengths of road referred to in the Schedule and Articles of this Order so long as may be necessary for:
 - (a) a person to board or alight from the vehicle;
 - (b) goods to be loaded onto and/or unloaded from the vehicle;
 - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the side of those lengths of road referred to, or the laying, erection, alteration or repair in or near the said sides of those lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
 - (d) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers or duties;

- (e) the vehicle to be used for the purpose of delivering or collecting postal packets.
- (f) the vehicle to be used for the purpose of removing furniture and effects from one office or dwelling house to another, or to such premises from a depository or from such premises to a depository, provided notice is given twenty-four hours in advance to the Council, their consent is obtained and such reasonable conditions as they may impose are complied with;
- (g) the vehicle to be used for fire brigade, police or ambulance purposes.
13. 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, 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 in the said sides of those lengths of road referred to in the Schedule 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 on the same sides of length of road on the same day).

Miscellaneous

14. The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption to the provisions of this Order is without prejudice to the provisions of any other enactment.

Revocations

15. The following Order is hereby revoked;

*The County of Hereford and Worcester (Holmer Road Service Road, Hereford) (Prohibition of Waiting) Order 1981.

16. References to any statutory provision herein shall include reference to any statutory modification or re-enactment thereof.

Dated this 11th Day of August 2017

THE COMMON SEAL of the
COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL
was hereunto affixed **BY ORDER**

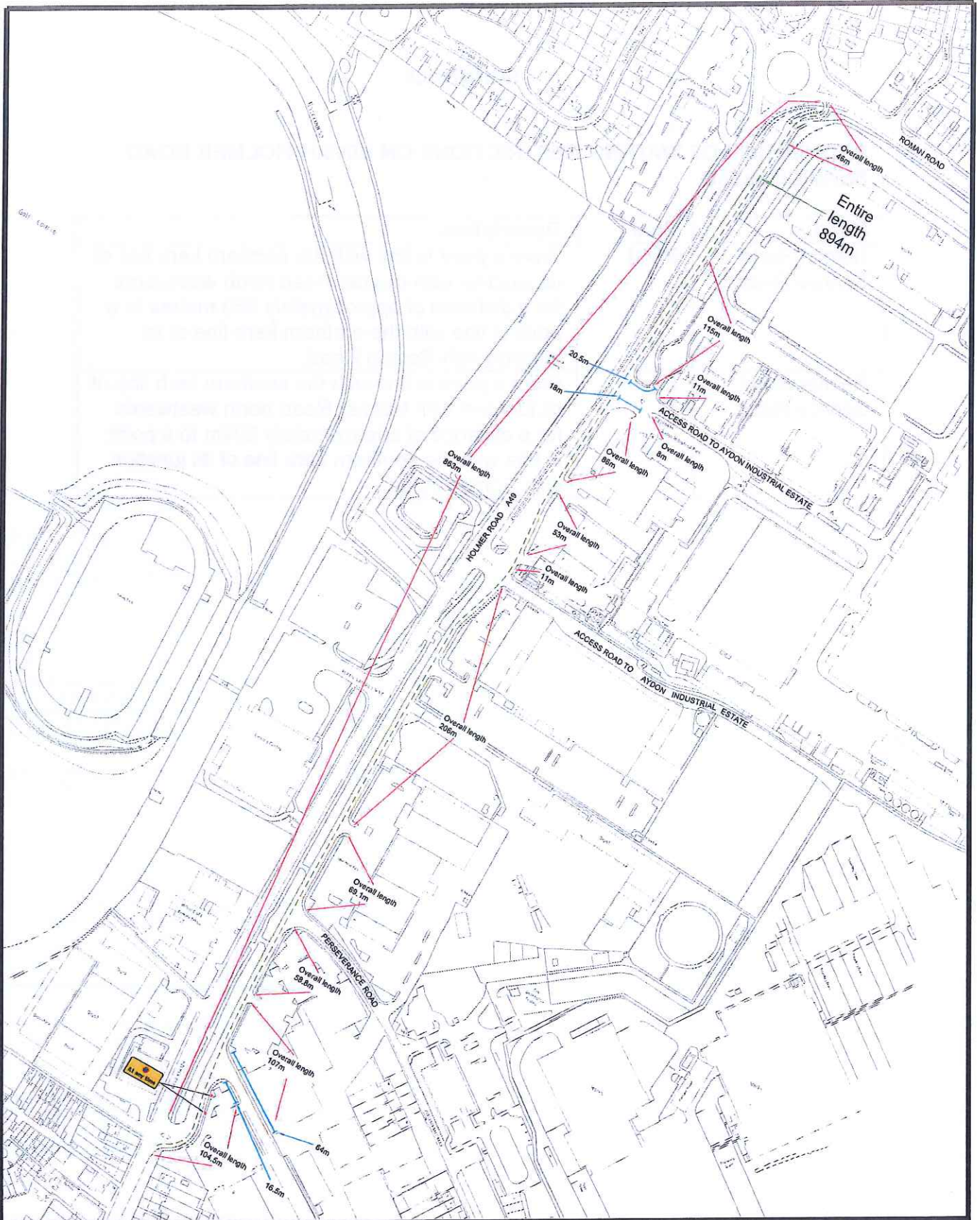
Kate (CJ) [Signature] Authorised Officer



SCHEDULE

PROHIBITION OF WAITING RESTRICTIONS ON U80331 HOLMER ROAD SERVICE ROAD

Road.	Side	Description
Holmer Road Service Road	West	From a point in line with the northern kerb line of its junction with Holmer Road north westwards for a distance of approximately 863 metres to a point in line with the northern kerb line of its junction with Roman Road.
Holmer Road Service Road	East	From a point in line with the southern kerb line of its junction with Holmer Road north westwards for a distance of approximately 894m to a point in line with the southern kerb line of its junction with Roman Road



ADL
TRAFFIC

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NOTES

1. PRELIMINARY DESIGN PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. ALL DETAILS ARE SUBJECT TO INCLUDING CHECKING STATUTORY SERVICE APPARATUS.
2. DO NOT SCALE FROM THIS DRAWING.
3. BACKGROUND PLAN IS BASED UPON A DIGITAL DEBASE.
4. ALL DETAILS TO BE CONFIRMED ON SITE AND ON A TOPOGRAPHICAL SURVEY.
5. ALL TRACKS ASSUME GRADIENTS AND CURVES DO NOT EXCEED 1:60 AND 1:40 RESPECTIVELY OTHERWISE VEHICLE MANOEUVREABILITY MAY BE AFFECTED.
6. ALL LAND OWNERSHIP DETAILS, EXTENT OF ADOPTED HIGHWAY AND RIGHTS OF WAY TO BE CONFIRMED.
7. ASSUMES ALL LANDSCAPING CAN BE ALTERED AND NO TREES ARE SUBJECT TO TPO.

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AMENDMENTS		
REF.	DATE	DESCRIPTION
A	21/12/15	PLAN AMENDED.
B	10/02/17	PLAN UPDATED.
C	21/02/17	MEASUREMENTS ADDED.

ADL Job No. 3409

Project				Holmer Road, Herefordshire			
Title				Holmer Road: Double Yellow Line Traffic Order			
Date		07.12.2016		Drawn		MT	
Checked	Date	Approved	Date				
Scale	1:2500@A3	Orig No.	3409-02	Rev.	C		

HEREFORDSHIRE COUNCIL

STATEMENT OF REASONS FOR MAKING

HEREFORDSHIRE COUNCIL (U 80331 HOLMER ROAD SERVICE ROAD, HEREFORD) (PROHIBITION OF WAITING) ORDER 2017

Herefordshire Council is formalising existing Prohibition of Waiting restrictions in Holmer Road Service Road, Hereford by the process of the above named Traffic Regulation Order.

The Order will have no effect on the already operational parking restrictions as indicated by current road markings and signage. The proposal comprises the formalisation of the prohibition of waiting restrictions in Holmer Road Service Road, between its junctions with Roman Road and Holmer Road. The Order is being made for the following reasons:

- To clarify the existing parking restrictions in accordance with current standards and formats, and to comply with current enforcement policy,
- For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising,
- For facilitating the passage on the road or any other road of any class of traffic (including pedestrians) (*i.e. to maintain access and/or to reduce congestion*),
- For preserving or improving the amenity of the area through which the road runs,

The Order has been subject to consultation with the public, local Councillors representing the area, the local Police, Ambulance, Fire and Rescue Services and Herefordshire County Council Passenger Transport Unit.

Richard Ball
Assistant Director Environment and Place

See Section 124

Mrs Lander

Circular for list

copy for file

[Signature]

16/12

ROAD TRAFFIC REGULATION ACT 1967

THE COUNTY OF HEREFORD AND WORCESTER

(HOLMER ROAD SERVICE ROAD, HEREFORD)

(PROHIBITION OF WAITING) ORDER 1981

The County Council of Hereford and Worcester in exercise of their powers under Section 1(1), (2), (3) and 84(D) of the Road Traffic Regulation Act 1967, as amended by Part IX of the Transport Act 1968, Schedule 19 to the Local Government Act 1972 (which said Act of 1967 as so amended is hereinafter referred to as "the Act of 1967") and of all other powers them enabling in that behalf, and after consultation with the Chief Officer of Police in accordance with Section 84C(1) of the said Act of 1967, hereby make the following Order:-

1. The County of Hereford and Worcester (Holmer Road Service Road, Hereford) (Prohibition of Waiting) Order 1976 is hereby revoked.
2. Save as provided in Articles 3 and 4 of this Order no person shall, except upon the direction or with the permission of a police officer in uniform or of a traffic warden, cause or permit any vehicle to wait at any time on the sides of lengths of road in the City of Hereford in the County of Hereford and Worcester specified in the Schedule to this Order.
3. Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait in the sides of lengths of road referred to in the Article for so long as may be necessary to enable:-
 - (a) a person to board or alight from the vehicle;
 - (b) goods to be loaded onto and unloaded from the vehicle;
 - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the sides of lengths of road referred to, or the laying, erection, alteration or repair in or near the said sides of lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraphic line as defined in the Telegraph Act 1878;
 - (d) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers or duties;

not measured on site

PHOTO-COPY FORWARDED TO
 E DIVISION
 ON 15/12/81 FOR ACTION
 INDICATED AND ON



(e) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953;

(f) the vehicle to be used for the purpose of removing furniture and effects from one office or dwellinghouse to another, or to such premises from a depository or from such premises to a depository, provided notice is given twenty-four hours in advance to the police, their consent is obtained and such reasonable conditions as they may impose are complied with;

(g) the vehicle to be used for fire brigade, police or ambulance purposes.

4. Nothing in Article 2 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 in the sides of lengths of road referred to in that Article for a period not exceeding two 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 sides of lengths of road on the same day).

5. (1) In this Order:-

"disabled person's badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 1975;

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England and Wales) (Amendment) Regulations 1975;

"parking disc" means a disc, issued by a local authority, complying with the requirements of the British Standard Specification for Parking Discs (BS No. 4631:1970), but coloured orange, and capable of showing the quarter hour period during which a period of waiting begins.

(2) For the purpose of this Order a vehicle shall be regarded as displaying:-

(a) a disabled person's badge in the relevant position, when -

(i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen; and

(ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or near side of the vehicle;

(b) a parking disc in the relevant position, when the disc is exhibited thereon with the side which shows the time facing forwards or outwards and immediately behind the windscreen or side window nearest to the kerb.

6.

This Order shall come into operation on the 14th day of December 1981 and may be cited as The County of Hereford and Worcester (Holmer Road Service Road, Hereford) (Prohibition of Waiting) Order 1981.

Dated this 10th day of December 1981

The Common Seal of the County Council)
of Hereford and Worcester was affixed)
hereto in the presence of:)

L.S.

County Secretary and Solicitor

I certify this to be a true
copy of the Order named in
Article 6 above.

County Hall,
Spetchley Road,
Worcester.
10th December 1981

Reginald
Spetchley County Secretary and Solicitor

SCHEDULE

Holmer Road Service Road

West side

from its southerly junction with Holmer Road to its junction with Roman Road, a total distance of 863 metres (2,832 feet) including the kerb radii at its northerly junction with Holmer Road.

East side

- (a) from its junction with Roman Road for a distance of 46 metres (151 feet) in a southerly direction;
- (b) from a point 146 metres (479 feet) south of its junction with Roman Road southwards for a distance of 469 metres (1,538 feet).