

Herefordshire Council

(C1105 Etnam Street, Leominster) (Prohibition of Waiting) (Restriction of Waiting, Loading and Unloading) (Restriction of Waiting) Order 2017

Notice is hereby given that Herefordshire Council has made the above-named Order, the effect of which introduces the following:

Prohibition of waiting at any time: Etnam Street: (a) On the north side from a point 5 metres east of its junction with the centre line of School Lane to a point 35 metres east of that junction; (b) On the north side from the centre line of entrance to Etnam Street Car Park to a point 25 metres west of that junction; (c) On the north side from a point 24.5 metres west of its junction with the centre line of Falconer Place to a point 13 metres east of that junction; (d) On the south side from a point 2 metres west of its junction with the centre line of School Lane to a point 10.5 metres east of that junction; (e) On the north side from its junction with the centre line of Pinsley Road to a point 95 metres west of that junction; (f) On the south side from its junction with the centre line of Pinsley Road to a point 19 metres west of that junction. **Worcester Road:** On both sides from its junction with the centre line of Pinsley Road to a point 30 metres south of that junction. **Pinsley Road:** On both sides from the junction with Etnam Street for a distance of 15 metres in a northerly direction.

Prohibition of waiting, loading and unloading at any time: Etnam Street: (a) On the north side from a point 12 metres west of its junction with the centre line of School Lane to a point 5 metres east of that junction; (b) On the north side from the centre line of entrance to Etnam Street Car Park to a point 20 metres east of that junction; (c) On the south side from a point 2 metres west of its junction with the centre line of School Lane to a point 26 metres west of that junction; (d) On the south side from a point 3 metres west of its junction with the centre line of entrance to Etnam Street Car Park to a point 34 metres west of that junction.

Prohibition of waiting between 8.00 am to 6.00 pm on Monday to Saturday: Etnam Street: (a) On the north side from its junction with the eastern kerb line of South Street to a point 47 metres west of that junction; (b) On the south side from its junction with the eastern kerb line of South Street to a point 37 metres west of that junction.

(U93620 Pinsley Road, Leominster) (Restriction of Waiting) (Residents' Parking) (Zone LF) Order 2017

Notice is hereby given that Herefordshire Council has made the above-named Order, the effect of which introduces the following:

Prohibition of waiting at any time: Pinsley Road: On the north east side of the spur road from a point 69 metres south east of its junction with Church Street for its entire length in a south easterly direction.

Waiting restricted to 2 hours with no return permitted within 4 hours between 8.00 am to 6.00 pm on Monday to Saturday, except for Resident Parking Permit or Visitors Parking Permit holders: Pinsley Road: On the south west side of the spur road from a point 69 metres south east of its junction with Church Street for its entire length in a south easterly direction.

These Orders come into operation on the 13th October 2017.

A copy of the Orders, with plans and Statements of Reasons, may be viewed at the Council's offices at Plough Lane, Hereford, the Leominster Customer Service Centre, The Library, 8 Buttercross, Leominster or on the Council's website at www.herefordshire.gov.uk. Any queries in relation to this Order may be directed to Balfour Beatty Living Places, Network Regulation, Unit 3, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT or by email to Herefordshire.TROcomments@bblivingplaces.com.

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 do so by application to the High Court within six weeks from the date the order was made.

Section 1 and 2 Road Traffic Regulation Act 1984

HEREFORDSHIRE COUNCIL

(C1105 ETNAM STREET, LEOMINSTER) (PROHIBITION OF WAITING, LOADING AND UNLOADING) (RESTRICTION OF WAITING) ORDER 2017

STATEMENT OF REASONS

The proposed parking restrictions are expedient to be implemented for the following purposes:

- 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 of any class of traffic (including pedestrians).
- For preserving and improving the amenities of the area through which the road runs.

The Council reserves the right to produce an amended or further statement, in the context of any public inquiry or judicial proceedings to these proposals.

Richard Ball
Assistant Director, Environment and Place
Herefordshire Council

Balfour Beatty Living Places
Traffic Engineering
Unit 3, Thorn Business Park
Rotherwas Industrial Estate
Hereford
HR2 6JT

ROAD TRAFFIC REGULATION ACT 1984

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

(C1105 ETNAM STREET, LEOMINSTER) (PROHIBITION OF WAITING, LOADING & UNLOADING) (RESTRICTION OF WAITING) ORDER 2017

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

1. This Order shall come into operation on the 13th day of Oct 2017 and may be cited as The County of Herefordshire District Council (C1105 Etnam Street, Leominster) (Prohibition of Waiting, Loading & Unloading) (Restriction of Waiting) Order 2017.

2. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order the Orders or Order (or part thereof where stated) as listed in Schedule 1 hereto are revoked or varied, as detailed in the said Schedule from the date this Order comes into operation.

3. (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.
4. Save as provided in Articles 14 and 15 of this Order no person shall, except upon the direction or with the permission of a Police Officer or of a Civil Enforcement Officer in uniform, cause or permit any vehicle to wait during the times and for the purposes on the lengths of road as mentioned in Schedules 2 and 4 hereto as shown for identification purposes only on the attached plan.
5. Save as provided in Article 14 (c), (d) and (g) of this Order no person shall, except upon the direction or with the permission of a Police Officer or Civil Enforcement Officer in uniform cause or permit any vehicle to wait, load or unload at any time on those lengths of road specified in Schedule 3 to this Order and which for the purposes of identification only are shown on the attached plan.

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

6. Nothing in Articles 4 and 5 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

7. 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.
- 8. 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.
- 9. 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.
- 10. A vehicle parked within a Parking Place must be parked wholly within the road markings (if any) for the Parking Place.
- 11. When a vehicle is left in a Parking Place in contravention of any of the provisions contained in paragraphs (a) or (b) of Article 7 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.
- 12. 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.
- 13. 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 11 above of this Order, they shall make such arrangements as may be reasonably necessary for the reasonable safe custody of that vehicle.

Exemptions

- 14. 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 said Schedule and Articles of this Order so long as may be necessary where:-
 - (a) the vehicle is waiting only for so long as is necessary to enable 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 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.


15. Nothing in Article 4 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 Schedule 2 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

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

Dated this 29TH day of AUGUST 2017

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

 Authorised Officer



SCHEDULE 1

Order to be revoked or varied	Provisions to be revoked
The County of Hereford and Worcester (Various Roads, Leominster) (Prohibition and Restriction of Waiting) Order 1977	Schedule 2 item 10 with respect to Etnam Street Schedule 3 item 5 with respect to Etnam Street
The County of Hereford and Worcester (A44 Etnam Street, Leominster) (Prohibition of Waiting) Order 1984	Revoked in its entirety
The County of Hereford and Worcester (A44 Etnam Street, Leominster) (Prohibition of Waiting) Order 1987	Revoked in its entirety
The County of Hereford and Worcester (C1105, Etnam Street, Leominster) (Prohibition of Waiting) Order 1994	Revoked in its entirety

SCHEDULE 2

Prohibition of waiting at any time

C1105 Etnam Street:

- i) On the north side from a point 5 metres east of its junction with the centre line of U93632 School Lane to a point 35 metres east of that junction;
- ii) On the north side from the centre line of entrance to Etnam Street Car Park to a point 25 metres west of that junction;
- iii) On the north side from a point 24.5 metres west of its junction with the centre line of U93619 Falconer Place to a point 13 metres east of that junction;
- iv) On the south side from a point 2 metres west of its junction with the centre line of U93632 School Lane to a point 10.5 metres east of that junction;
- v) On the north side from its junction with the centre line of U93620 Pinsley Road to a point 95 metres west of that junction;
- vi) On the south side from its junction with the centre line of U93620 Pinsley Road to a point 19 metres west of that junction.

C1105 Worcester Road

- i) On both sides from its junction with the centre line of U93620 Pinsley Road to a point 30 metres south of that junction.

U93620 Pinsley Road

- i) On both sides from the junction with the C1105 Etnam Street for a distance of 15 metres in a northerly direction.

SCHEDULE 3

Prohibition of waiting, loading and unloading at any time

C1105 Etnam Street:

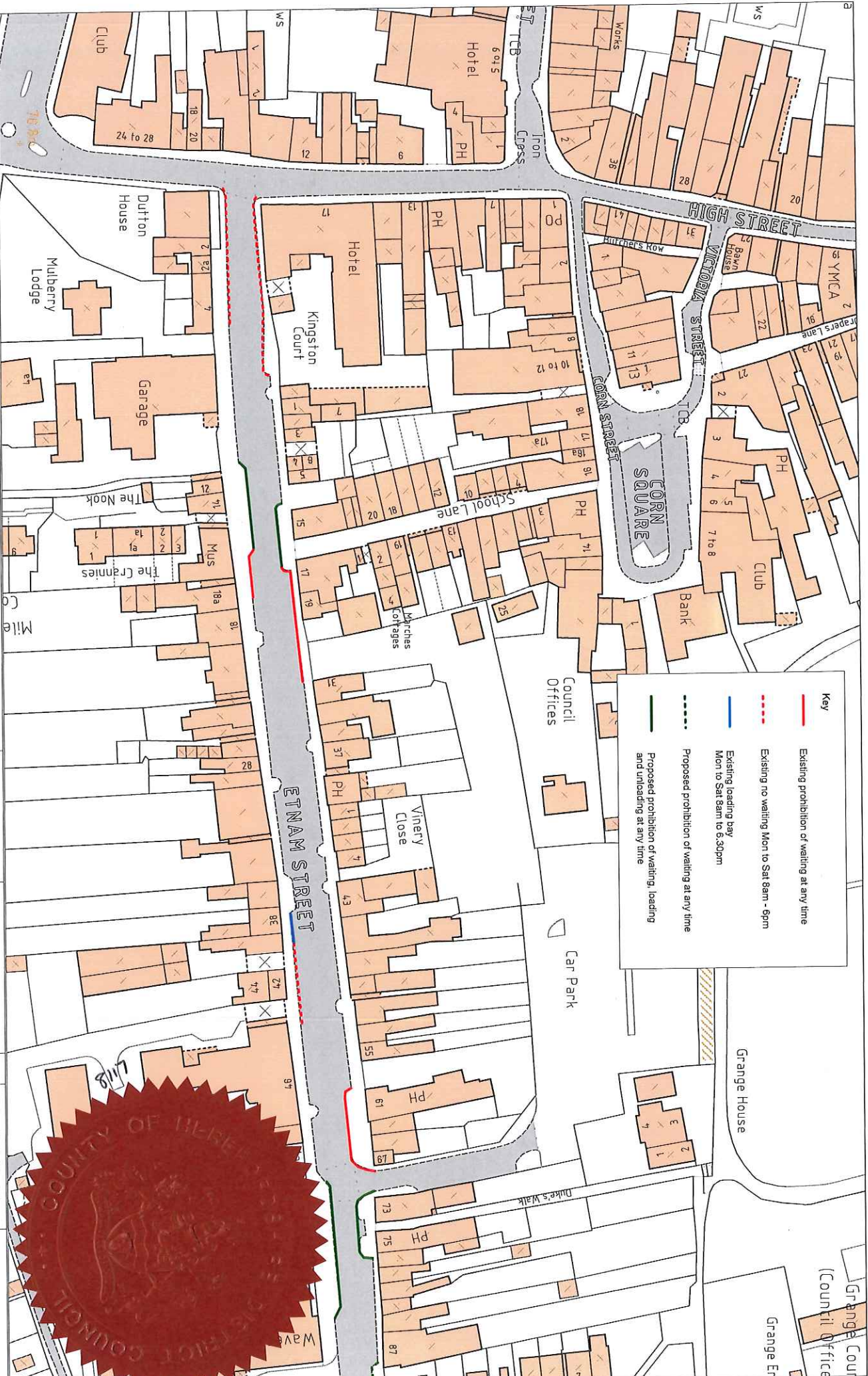
- i) On the north side from a point 12 metres west of its junction with the centre line of U93632 School Lane to a point 5 metres east of that junction;
- ii) On the north side from the centre line of entrance to Etnam Street Car Park to a point 20 metres east of that junction;
- iii) On the south side from a point 2 metres west of its junction with the centre line of U93632 School Lane to a point 26 metres west of that junction;
- iv) On the south side from a point 3 metres west of its junction with the centre line of entrance to Etnam Street Car Park to a point 34 metres west of that junction;

SCHEDULE 4

Prohibition of waiting between 8.00 am to 6.00 pm on Monday to Saturday

C1105 Etnam Street:

- i) On the north side from its junction with the eastern kerb line of U93624 South Street to a point 47 metres west of that junction.
- ii) On the south side from its junction with the eastern kerb line of U93624 South Street to a point 37 metres west of that junction.



Scheme: Leominster-Proposed Parking Management

IMPORTANT WARNING: Information regarding the location of apparatus is given for your assistance and is intended for guidance only. No guarantee is given of its accuracy.

Location: Etnam Street, Leominster Proposed Waiting Restrictions

Date: November 2016
Scale: Not to Scale

Drawing No: HD/T/LEO/1652/116/2a

North Arrow: ↑

Balfour Beatty Living Places
Unit 3 Thorn Business Park
Rothemes Industrial Estate
Hereford HR2 6UT

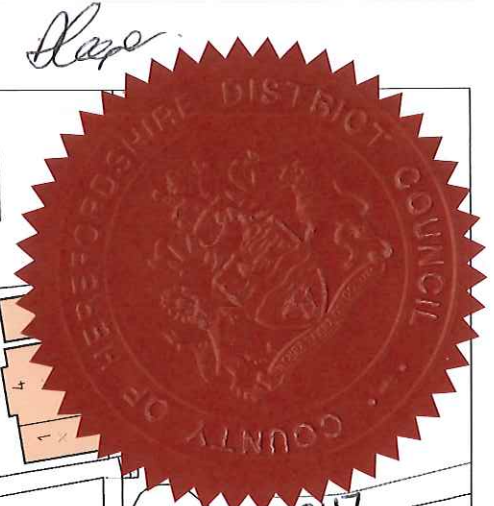
Herefordshire Council

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Key

- Existing prohibition of waiting at any time
- - - Existing no waiting Mon to Sat 8am - 6pm
- Proposed prohibition of waiting, loading and unloading at any time
- - - Proposed prohibition of waiting at any time



Scheme: Leominster Proposed Parking Management

Location: Etnam Street, Leominster Proposed Waiting Restrictions

Date: November 2016

Scale: Not to Scale

Drawing No: HD/T/LEO/1652/11/6/0a

Important Warning: Information regarding the location of apparatus is given for your assistance and is intended for guidance only. No guarantee is given of its accuracy.

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