

**ROAD TRAFFIC REGULATION ACT 1984**

**HEREFORDSHIRE COUNCIL**

**(C1263 MUCH BIRCH) (PROHIBITION OF WAITING) (PROHIBITION OF WAITING, LOADING & UNLOADING)**

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 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 <sup>28<sup>th</sup></sup> day of ~~September~~ <sup>September</sup> 2018 and may be cited as Herefordshire Council (C1263 Much Birch) (Prohibition of Waiting) (Prohibition of Waiting, Loading & Unloading) Order 2018.

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 the 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.

#### **PROHIBITION OF WAITING**

3. Save as provided in Articles 7 and 8 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 Schedule 1 hereto as shown for identification purposes only on the attached plan.

#### **PROHIBITION OF WAITING, LOADING AND UNLOADING**

4. Save as provided in Article 7 (a), 7 (c), 7 (d) and 7 (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 2 to this Order and which for the purposes of identification only are shown on the attached plan.

#### **POWER TO SUSPEND PROHIBITION OF WAITING, LOADING & UNLOADING**

5. Nothing in Articles 3 and 4 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; 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.

#### **EXEMPTIONS**

6. 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 or road referred to, or the laying, erection, alternation 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 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.
7. 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 Schedule 1 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 same vehicle on the same sides of length of road on the same day).

#### **MISCELLANEOUS**

8. 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 provision of any other enactment.
9. 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 3 hereto are revoked or varied, as detailed in the said Schedule from the date this Order comes into operation.
10. References to any statutory provision herein shall include reference to any statutory modification or re-enactment thereof.

Dated this 11<sup>th</sup> day of September 2018

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

.....*Sian Steward*..... Authorised Officer



## SCHEDULE 1

### PROHIBITION OF WAITING AT ANY TIME

#### C1263 MUCH BIRCH

1. South west side
  - (a) from 38.9 metres north west of its junction with the northern kerb line of the A49 Hereford to Ross-on-Wye road for a distance of 81.8 metres in a north westerly direction.

## SCHEDULE 2

### PROHIBITION OF WAITING, LOADING AND UNLOADING AT ANY TIME

#### C1263 MUCH BIRCH

1. South west side
  - (a) From its junction with the northern kerb line of the A49 Hereford to Ross-on-Wye road for a distance of 23.3 metres in a north westerly direction.
  - (b) From a point 254.8 metres north west of the junction with the northern kerb line of the A49 Hereford to Ross-on-Wye road for a distance of 20 metres in a north westerly direction.
  - (c) From a point 332.1 metres north west of its junction with the northern kerb line of the A49 Hereford to Ross-on-Wye road for a distance of 17.8 metres in a north westerly direction.
  - (d) From a point 425.2 metres north west of its junction with the northern kerb line of the A49 Hereford to Ross-on-Wye road for a distance of 18.8 metres in a north westerly direction.
2. North east side
  - (a) From its junction with the northern kerb line of the A49 Hereford to Ross-on-Wye for a distance of 31.3 metres in a north westerly direction.
  - (b) From a point 54 metres north west of its junction with the northern kerb line of the A49 Hereford to Ross-on-Wye road for a distance of 63.6 metres in a north westerly direction.
3. Splitter Island

**SCHEDULE 3**

**REVOCATION OF ORDER**

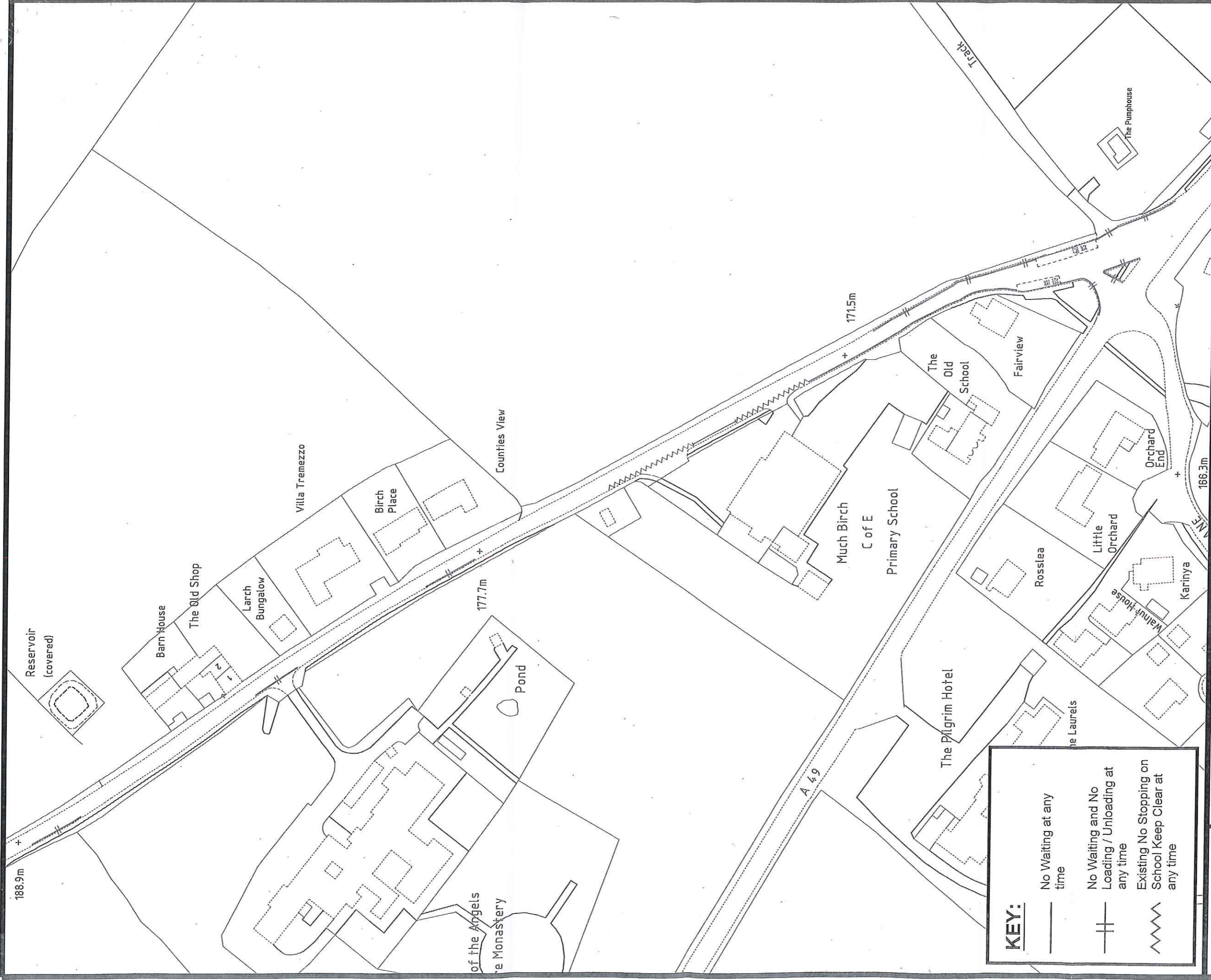
Herefordshire Council (C1263 Much Birch) (Prohibition of Waiting, Loading and Unloading) (School Keep Clear) Order 2013

- (a) For the avoidance of doubt, the west and east perimeters of the splitter island located on the junction of the A49 and C1263 are included in this order.



8925

Sian Street

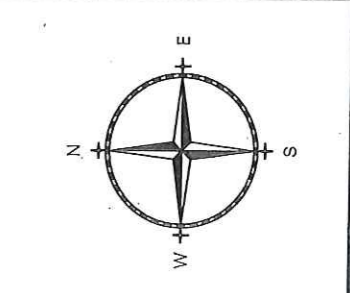


**KEY:**

— No Waiting at any time

|| No Waiting and No Loading / Unloading at any time

~~~~ Existing No Stopping on School Keep Clear at any time



**ADL TRAFFIC**

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 E-Mail : CAD@ADLTRAFFIC.CO.UK

- 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 OSBASE, TOPOGRAPHICAL SURVEY.
  4. ALL DETAILS TO BE CONFIRMED ON SITE AND ON A TOPOGRAPHICAL SURVEY.
  5. ALL TRACKS ASSUME GRADIENTS AND CAMBERS DO NOT EXCEED 1:60 AND 1:40 RESPECTIVELY OTHERWISE VEHICLE MANOEUVRABILITY 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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| REF. | DATE     | DESCRIPTION            |
|------|----------|------------------------|
| A    | 31.05.18 | Statutory Consultation |
| B    | 25.07.18 | TRO Planning           |

ADL Job No. **3409**

|                                                                                    |                    |
|------------------------------------------------------------------------------------|--------------------|
| Project<br>Much Birch,<br>Herefordshire                                            |                    |
| Title<br>TRO Drawing Prohibition of Waiting,<br>Loading and Unloading Restrictions | Drawn<br>SL        |
| Date<br>31.05.2018                                                                 | Date<br>Approved   |
| Checked                                                                            | Date               |
| Scale<br>1:1250@A3                                                                 | Dwg No.<br>3409-39 |
|                                                                                    | Rev.<br>B          |

**HEREFORDSHIRE COUNCIL**

STATEMENT OF REASONS FOR PROPOSING

**(C1263 MUCH BIRCH) (PROHIBITION OF WAITING), (PROHIBITION OF  
WAITING, LOADING & UNLOADING) ORDER 2018**

The implementation of the proposed speed limit under Sections 1 and 2 Road Traffic Regulation Act 1984 is necessary for the following reasons:

- To clarify the waiting, loading and unloading and school keep clear restrictions in the road in line with current standards and formats, and to comply with current enforcement policy,
- For the purpose of relieving or preventing congestion of traffic;
- 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, and
- 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 Council reserves the right to produce an amended or further statement in the context of any public enquiry or judicial proceedings to these proposals.

Richard Ball  
Assistant Director Environment and Place

# ROAD TRAFFIC REGULATION ACT 1984

## HEREFORDSHIRE COUNCIL

### (C1263 MUCH BIRCH) (PROHIBITION OF WAITING, LOADING AND UNLOADING) (SCHOOL KEEP CLEAR) ORDER 2013

The County of Herefordshire District Council ("known as Herefordshire Council") in exercise of its powers under sections 1 and 2 of the 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 make the following Order:-

#### Citation

1. This Order shall come into operation on the 6<sup>th</sup> day of December 2013 and may be cited as the Herefordshire Council (C1263 Much Birch) (Prohibition of Waiting, Loading and Unloading) (School Keep Clear) Order 2013.

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 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.

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

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

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

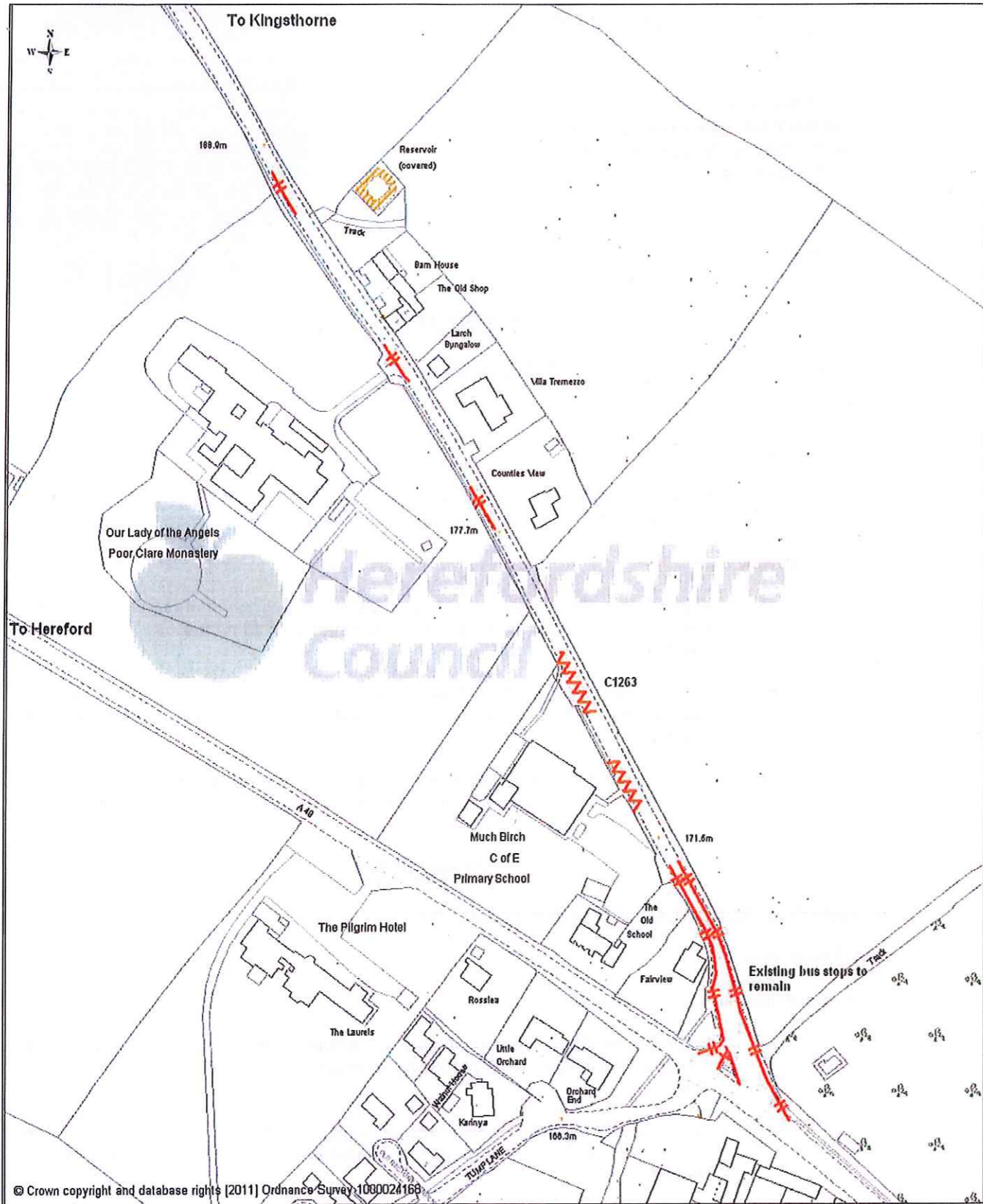
(a) a Disabled Person's Badge in the relevant position, when:-



(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



|                                                                                                                                                                                                                                                                                  |                                                              |                                                                                                                 |                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed:<br>Prohibition of Waiting, Loading and Unloading. <br>No stopping on School Keep Clear Markings  |                                                              | <b>PROJECT TITLE</b><br>C1263 Much Birch School<br>Proposed prohibition of waiting, loading and unloading Order | <b>G J Hughes</b><br>Places and Communities Directorate.<br>Herefordshire Council<br>Brockington, 35 Hafod Road,<br>Hereford, HR1 1SH<br>Tel: (01432) 260780<br>Fax: (01432) 261983 |
| Drawn: ALJ<br>Design: ALJ<br>Chkd:<br>Appd:<br>Date: April 2013                                                                                                                                                                                                                  | Creating Title<br>Proposed restrictions - Consultation stage | Scale 1:1250 @ A3                                                                                               | Drawing No.<br>HD/T/C1263/1635/1                                                                                                                                                    |

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