

NOTICE OF MAKING

HEREFORDSHIRE COUNCIL

(TOWER HILL, LINTON LANE AND NUNWELL ROAD, BROMYARD) (WAITING RESTRICTIONS)

ORDER 2021

Notice is hereby given that the County of Herefordshire District Council, known as Herefordshire Council, in exercise of its enabling powers under sections 1, 2, 3, 4, 32, 35, 45, 46, 49 and 51 and Part 4 of Schedule 9 of the Road Traffic Regulation Act 1984, and all its enabling powers has made the above named order, the effect of which will be to prohibit waiting at any time and introduce resident permit holder only bays on the lengths of road listed in the Schedule below.

This Order will come into operation on 26 February 2021.

Due to the difficulty for local authorities to make documents relating to Proposed Traffic Regulation Orders available for public inspection in their offices during the coronavirus pandemic, **The Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020**, (which came into force on 23 May 2020) have been introduced to enable local authorities to put alternative arrangements in place to make documents available to the public.

The following alternative arrangements are in place to allow the public to view or obtain copies of documents giving further details of this Order:

A copy of the Order, with plan and Statement of Reasons can be viewed on the Council's website at www.herefordshire.gov.uk in the Introduced Traffic Regulation Order section.

General enquiries relating to the Order should be referred to the Traffic Management Team at ADL Traffic and Highways Engineering Ltd (Tel: 01454 332100) or by email to will@adltraffic.co.uk.

Photocopies of the Order may be provided on payment of photocopying charges to the Council.

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 was made, apply for the purpose to the High Court.

Any representations received by the Council may be imparted to third parties. We will keep your data for up to 7 years. Your information may be shared with other Balfour Beatty teams within Herefordshire and Herefordshire Council in order to provide you with the service. Individuals have a number of rights under data protection law, including the right to request their information. You also have a right to make a

complaint about our handling of your personal data to the Information Commissioner's Office www.ico.org.uk/

Mairead Lane, Acting Assistant Director Highways and Transport

Schedule A	Parking Permit Charges
Schedule 1	Prohibition of Waiting at Any Time (Double Yellow Line) Restrictions
Schedule 2	Resident Permit Holder Parking Places Only

Schedule A – Parking Permit Charges	
First Parking Permit	£30
Second Parking Permit	£30
Third Parking Permit	£75
Fourth Parking Permit	£100
Fifth Parking Permit	£100
Note – In accordance with the provisions of this Order, there are limits on the number of permits which may be issued to a particular dwelling/property. Not all dwellings/properties will be eligible for all of the permits detailed in this schedule.	

Schedule 1 – Prohibition of Waiting at Any Time (Double Yellow Line) Restrictions		
Column 1	Column 2	Column 3
Road	Side	Description
U65405 Tower Hill	West	From its junction with A44 to a point 16m south of its junction with A44
U65405 Tower Hill	West	From a point 89m south of its junction with A44 to its junction with U65406 Nunwell Road (a distance of 7m in a southerly direction)
U65405 Tower Hill	East	From its junction with A44 to a point 83m south of its junction with A44
U65407 Linton Lane	North	From its junction with U65405 Tower Hill, to a point 10m east of its junction with U65405 Tower Hill
U65406 Nunwell Road	North	From its junction with U65405 Tower Hill, to a point 10m west of its junction with U65405 Tower Hill

Schedule 2 – Resident Permit Holder Parking Places Only			
Column 1	Column 2	Column 3	Column 4
Road	Side	Description	Restricted Hours
U65405 Tower Hill	West	From a point 16m south of its junction with A44 to a point 69m south of its junction with A44	At Any Time

ROAD TRAFFIC REGULATION ACT 1984

HEREFORDSHIRE COUNCIL (TOWER HILL, LINTON LANE AND NUNWELL ROAD, BROMYARD) (WAITING RESTRICTIONS) ORDER 2021

The County of Herefordshire District Council, known as Herefordshire Council in exercise of its powers under sections 1, 2, 3, 4, 32, 35, 45, 46, 49 and 51 and Part 4 of Schedule 9 of the Road Traffic Regulation Act of 1984 (referred to as "the Act"), after consultation with the Chief Officer of Police in accordance with Part 3 of Schedule 9 to the Act and in exercise of all other enabling powers hereby makes the following Order:

PART ONE - INTRODUCTION

CITATION

- 1.1 This Order shall come into operation on the *26* day of *February* 2021 and may be cited as Herefordshire Council (TOWER HILL, LINTON LANE AND NUNWELL ROAD, BROMYARD) (WAITING RESTRICTIONS) ORDER 2021.

INTERPRETATION

- 1.2 In this Order, except where otherwise stated, any reference to an Article or Schedule shall be construed as a reference to that Article or schedule in this Order.
- 1.3 In this Order any reference to an Act, Statutory Instrument, Regulation or Order shall be construed as a reference to that Act, Statutory Instrument or Order as amended.
- 1.4 In this Order the following expressions shall have the respective meanings assigned to them:

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

"Council" means The County of Herefordshire District Council (known as Herefordshire Council)

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

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

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

"Parking Permit" means a valid permit which is designated as a Residents Parking Permit or Visitors Parking Permit issued by the council pursuant to the provisions of this Order

"Parking Permit Holder" means a person to whom a Parking Permit has been issued

"Resident Parking Permit" means a permit which can only be issued to a Resident in accordance with the provisions of this Order

"Resident" means a person whose main place of residence is at any of the streets (or part thereof) referred to in Schedule 3 hereto

"Driver" means the person engaged in the driving of the vehicle

"Temporary Parking Restriction Dispensation Permit" means a document issued at the discretion of the Council, subject to change, which exempts a vehicle from certain parking restrictions

"Visitors Parking Permit" means a permit which can only be issued to a Resident in accordance with the provisions of this Order and which can only be used in respect of vehicles of persons who are visiting the Dwelling of the Resident

"Dwelling" means a house or self-contained flat registered for Council Tax purposes

"Motor Vehicle" has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984

"Passenger Vehicle/s" means a Motor Vehicle 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

"Light Goods Vehicle" means 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/s" has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984

"Parking Place" means a part of a road so marked and authorised by this Order to be used for parking

"Owner", in relation to a vehicle, means the person by whom such vehicle is kept and used and in determining who the owner of a vehicle was at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994

PART TWO – PROHIBITION OF WAITING

NO WAITING AT ANY TIME

- 2.1 No person shall cause or permit any vehicle to wait in the lengths of road specified in columns 1, 2 and 3 of Schedule 1.

PART THREE – PARKING PLACES

DESIGNATION OF PARKING PLACES

- 3.1** Each length of road specified in columns 1, 2 and 3 in Schedule 2 having a width as indicated by the road markings, or in the case of signed only areas a width that extends across the whole side of the carriageway and any area of the adjacent verge, is designated as a Parking Place.

USE OF PARKING PLACES

- 3.2** A vehicle left in a Parking Place must be parked wholly within the boundary of that Parking Place.
- 3.3** No vehicle left in a Parking Place shall be in a position which prevents access to any premises, or which obstructs other road users.
- 3.4** The driver of a Motor Vehicle using a Parking Place must stop the engine as soon as the vehicle is in position and must not start the engine except to change the position of the vehicle or depart from the Parking Place.
- 3.5** Unless the prior written consent of the Council is obtained no vehicle left in a Parking Place shall be used in connection with the sale of any goods or services except where goods (including postal parcels) are being delivered to any premises in the immediate area.

SUSPENSION OF PARKING PLACES

- 3.6** The Council or any person so authorised by the Council may suspend or revoke the use of any Parking Place or part of a Parking Place without prior notice.
- 3.7** No person shall cause or permit any vehicle to wait in a Parking Place which has been suspended.

REMOVAL OF VEHICLES

- 3.8** Where a vehicle is in contravention of Article 3.3 or Article 3.7 the Council or any person so authorised by the Council or a police officer or Civil Enforcement Officer in uniform may remove the vehicle or arrange for the vehicle to be removed from the Parking Place in any manner as they consider necessary.
- 3.9** Any person removing or arranging for a vehicle to be removed under Article 3.8 must make such arrangement as reasonably necessary for the reasonable safe custody of that vehicle.

PERMIT PARKING

- 3.10** No person shall cause or permit any vehicle to wait in the Parking Places specified in columns 1, 2 and 3 of Schedule 2 during the hours specified in column 4 of Schedule 2 unless that vehicle is displaying a valid Parking Permit.

PART FOUR – PARKING PERMITS

APPLICATION FOR PARKING PERMITS

- 4.1 An application for a Parking Permit must be made in the manner specified by the Council.
- 4.2 The Council may require an applicant for a Parking Permit to produce such evidence as considered necessary to verify the information provided as part of the application for a Parking Permit.

ELIGIBILITY FOR PARKING PERMITS

- 4.3 The Council shall maintain a record of those properties which are eligible for Parking Permits and the maximum number of Parking Permits for which each Parking Permit is eligible. As existing Parking Permit Areas are extended, or new Parking Permit Areas introduced the record will be updated. Other additions, for subsequent developments, business premises or for properties outside the area may be considered for inclusion on a temporary or permanent basis, at the discretion of the Council. Houses in multiple occupation will be considered as a single property, unless they have discrete Council tax.
- 4.4 A Parking Permit which is a Residents Parking Permit may only be issued:
 - a) To the owner of the vehicle to which the Parking Permit will apply
 - b) In respect of a vehicle which is a Passenger Vehicle, Light Goods Vehicle or a Motorcycle

ISSUE OF PARKING PERMITS

- 4.5 On receipt of an application made under the provisions of this Order the Council, upon being satisfied that the applicant is eligible and meets all relevant requirements, may issue a Parking Permit.
- 4.6 The charge for the issue of a Parking Permit, valid for one year, shall be as specified in Schedule A.
- 4.7 A duplicate Parking Permit may be issued by the Council if the original Parking Permit has been lost, stolen, or becomes mutilated, defaced, faded discoloured or otherwise illegible.
- 4.8 The charge for the issue of a duplicate Parking Permit shall be £10.
- 4.9 The Council reserves the right to vary the policy, charges, and terms for the issue of a Parking Permit as it considers appropriate and will provide written notice of any such variation as the Council considers appropriate.
- 4.10 Notwithstanding the preceding Articles, the issuing of Parking Permits is at the complete discretion of the Council and exceptional issues of Parking Permits may be undertaken as the Council considers appropriate.

VALIDITY OF PARKING PERMITS

- 4.11 A Parking Permit shall only be valid for use:

- a) Within the Permit Parking Area in respect of which it was issued
- b) Where the Parking Permit is a Residents Parking Permit by the vehicle in respect of which it was issued
- c) Where the Parking Permit is a Visitors Parking Permit with a vehicle whose driver or passenger is visiting the residence to which the Parking Permit was issued or who's driver permanently resides at the residence to which the Parking Permit was issued

4.12 A Parking Permit shall cease to be valid in the following circumstances:

- a) After the expiry date specified on it
- b) The Parking Permit holder ceases to occupy the dwelling in respect of which the Parking Permit was issued
- c) The Parking Permit holder ceases to be the owner of the vehicle in respect of which the Parking Permit was issued
- d) The vehicle in respect of which the Parking Permit was issued has been adapted, modified, or used in such a manner that it ceases to be a vehicle of a class eligible for a Parking Permit as specified in Article 4.4(b)
- e) The withdrawal of Parking Permit by the Council
- f) A duplicate Parking Permit is issued by the Council

WITHDRAWAL AND SURRENDER OF PARKING PERMITS

4.13 A Parking Permit holder may surrender a Parking Permit to the Council at any time.

4.14 A Parking Permit holder must surrender a Parking Permit to the Council in the circumstances specified in Article 4.12 (b) to (f).

4.15 The Council may serve notice of the withdrawal of a Parking Permit in writing to the Parking Permit holder at the address given on the application or at any other address believed to be the Parking Permit holders residence or place of business; on receipt of this notice the Parking Permit holder shall surrender the Permit to the Council within 48 hours.

FORM OF PARKING PERMITS

4.16 A Parking Permit shall be in writing and shall include the following particulars:

- a) The registration mark of the vehicle to which the Parking Permit applies
- b) The expiry date of the Parking Permit
- c) An indication that the Parking Permit was issued by the Council

DISPLAY OF PARKING PERMITS

4.17 A Parking Permit must be displayed in the case of a vehicle fitted with a transparent windscreen on the inside surface of the windscreen so that it is facing upwards and can be entirely and easily seen from the outside of the vehicle or in the case of a vehicle not fitted with a transparent windscreen, in conspicuous position on the vehicle.

PART FIVE - EXEMPTIONS

GENERAL EXEMPTIONS

5.1 Nothing in this Order shall prohibit any vehicle from stopping or waiting for as long as reasonably necessary in the following circumstances:

- a) The vehicle is directed to stop or wait by or with the permission of a police officer or Civil Enforcement Officer in uniform
- b) The vehicle is being used for emergency services purposes
- c) To prevent a road traffic collision
- d) The vehicle cannot be moved due to an unavoidable breakdown
- e) The vehicle, not being a Passenger Vehicle, is stopped or waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of any building operation, demolition or excavation or the maintenance, improvement or reconstruction of any said lengths of road or the laying erection, alteration, removal or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic line or traffic sign in any said lengths of road
- f) The vehicle, not being a Passenger Vehicle, is in actual use 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, provided that notice is given twenty-four hours in advance to the Council and their consent is obtained and any conditions imposed are complied with
- g) The vehicle is being used for the purpose of delivering or collecting postal packets

PROHIBITION OF WAITING EXEMPTIONS

5.2 Nothing in Article 2.1 shall apply to a vehicle waiting for as long as necessary in the following circumstances:

- a) The vehicle is waiting for the purposes of loading or unloading that vehicle, provided the loading/unloading is continuous and being undertaken in a timely manner, the goods being loaded/unloaded cannot be reasonably carried other than by means of a vehicle, the vehicle is waiting adjacent to where the goods are being loaded/unloaded from/to and the length of time the vehicle is waiting for is reasonable
- b) To allow the picking up or setting down of passengers
- c) The vehicle is a cleaning or refuse vehicle collecting rubbish in the immediate vicinity
- d) The vehicle is waiting for the purpose of removing an obstruction to traffic
- e) The vehicle is a liveried utility company being used in connection with works of that utility in the immediate vicinity
- f) The vehicle is a Disabled Persons Vehicle, provided the vehicle does not wait for longer than three hours and at least one hour has elapsed following a previous period of waiting by the vehicle in the same road or part of a road
- g) The vehicle is displaying a valid Temporary Parking Restriction Dispensation Permit issued by the Council

PERMIT PARKING EXEMPTIONS

5.3 Nothing in Article 3.10 shall apply to a vehicle waiting for as long as necessary in the following circumstances:

- a) To allow the picking up or setting down of passengers
- b) The vehicle is a cleaning or refuse vehicle collecting rubbish in the immediate vicinity
- c) The vehicle is a liveried utility company vehicle being used in connection with works of that utility in the immediate vicinity
- d) The vehicle is a wedding car or hearse and is being used in connection with a wedding or funeral cortege in the immediate vicinity
- e) The vehicle is displaying a valid Temporary Parking Restriction Dispensation Permit issued by the Council

PART SIX – CONTRAVENTION & REVOCATIONS

CONTRAVENTION

6.1 Any person or vehicle failing to comply with the provisions of this Order shall be in contravention of it and a penalty charge shall be payable.

REVOCATIONS

6.2 The following Order is to be revoked only in respect to the lengths of roads affected by this Order:

- **THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (VARIOUS ROADS, BROMYARD) (WAITING RESTRICTIONS) ORDER 2015**

Dated this *15* Day of *January* 2021

THE COMMON SEAL of the
COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL

was hereunto affixed **BY ORDER**

[Signature]-----Authorised Officer

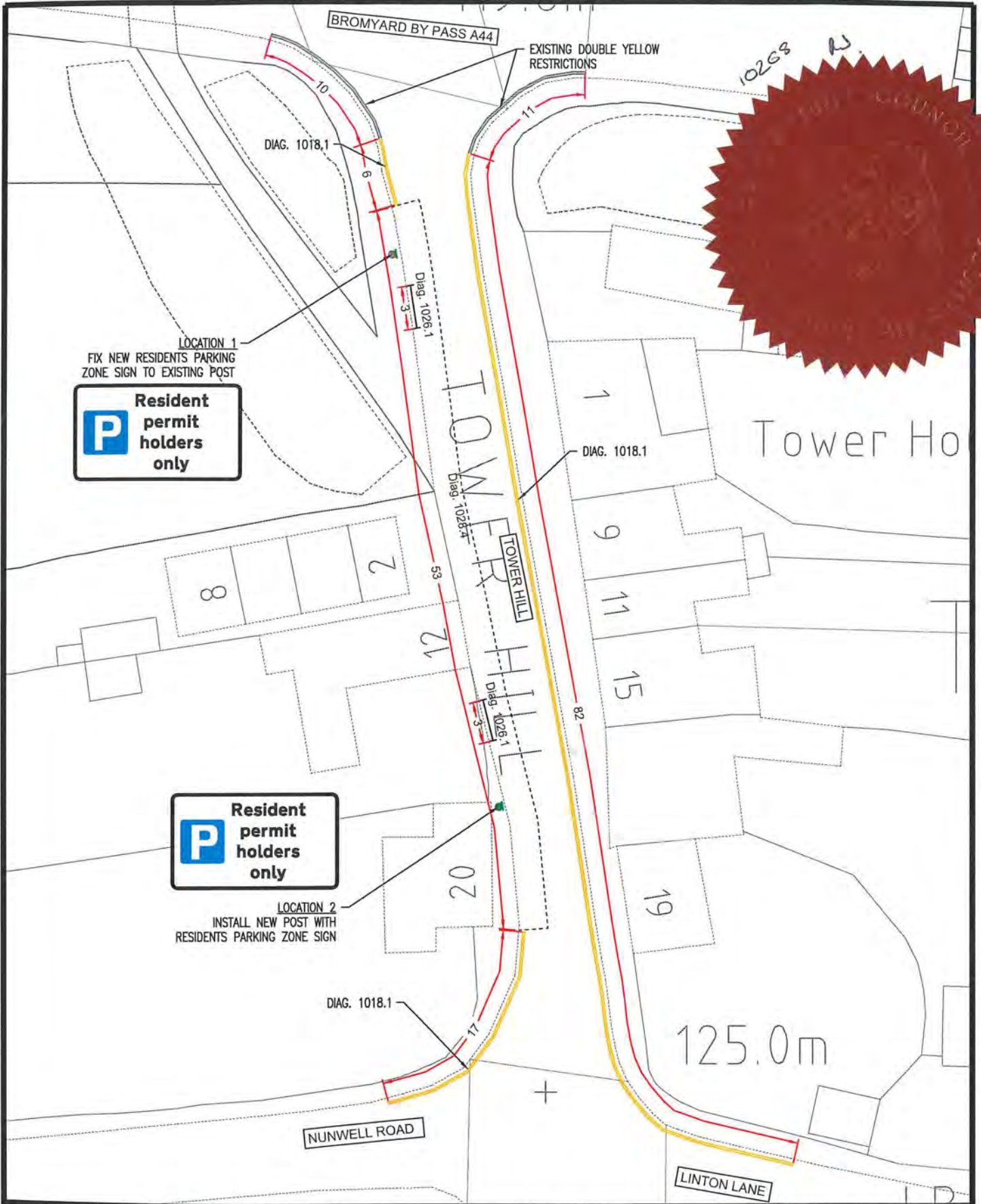


Schedule A	Parking Permit Charges
Schedule 1	Prohibition of Waiting at Any Time (Double Yellow Line) Restrictions
Schedule 2	Resident Permit Holder Parking Places Only

Schedule A – Parking Permit Charges	
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Note – In accordance with the provisions of this Order, there are limits on the number of permits which may be issued to a particular dwelling/property. Not all dwellings/properties will be eligible for all of the permits detailed in this schedule.	

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U65405 Tower Hill	East	From its junction with A44 to a point 83m south of its junction with A44
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U65406 Nunwell Road	North	From its junction with U65405 Tower Hill, to a point 10m west of its junction with U65405 Tower Hill

Schedule 2 – Resident Permit Holder Parking Places Only			
Column 1	Column 2	Column 3	Column 4
Road	Side	Description	Restricted Hours
U65405 Tower Hill	West	From a point 16m south of its junction with A44 to a point 69m south of its junction with A44	At Any Time



ADL
TRAFFIC & HIGHWAYS

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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 CEBSAE.
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 EXCEPT 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	30.09.20	FIRST ISSUE

ADL Job No: 3409

Project Tower Hill Bromyard			
Title Double Yellow & Parking Restrictions			
Date DECEMBER 2020	Drawn WS		
Checked VW	Date 01.12.20	Approved VW	Date 01.12.20
Scale 1:250@A3	Org No. 3409-66-001	Rev. B	

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

STATEMENT OF REASONS FOR PROPOSING

(TOWER HILL, LINTON LANE AND NUNWELL ROAD, BROMYARD) (WAITING RESTRICTIONS)

ORDER 2021

The implementation of the proposed restrictions under sections 1, 2, 3, 4, 32, 35, 45, 46, 49 and 51 and Part 4 of Schedule 9 of the Road Traffic Regulation Act 1984 and in exercise of its enabling powers is necessary for the following reasons:

For avoiding danger to persons or other traffic using the roads or any other road or for preventing the likelihood of any such danger arising.

For preserving or improving the amenity of the area through which the road runs.

Ensure residents are able to park in close proximity to their property as there is currently difficulty caused by commuter parking associated with the hospital.

To ensure that the entrance and approach to the hospital is kept clear from parked vehicles improving the ease of access for emergency service vehicles

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.

Mairead Lane
Acting Assistant Director Highways and Transport