

## **NOTICE OF PROPOSAL**

### **HEREFORDSHIRE COUNCIL (CRUXWELL STREET & ROWBERRY STREET, BROMYARD) (PROHIBITION OF WAITING AT ANY TIME & LIMITED WAITING) ORDER 2023**

The County of Herefordshire District Council, known as Herefordshire Council, in exercise of its powers under Sections 1, 2, 3, 4, 5, 32, 33, 35, 37, 45 & 47 of Part I and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, proposes to make the above Order, the general effect of which will be to introduce:

#### **No Waiting at Any Time (Double Yellow Line) restrictions on the following lengths of road:**

##### **Cruxwell Street (North-Western Side)**

- From a point 15m south-west of its junction with Rowberry Street for a distance of 37m in a south-westerly direction.

##### **Rowberry Street (South-Eastern Side)**

- From its junction with Church Street for a distance of 19m in a south-westerly direction.

#### **Limited Waiting Monday to Saturday 08:00-18:00 Maximum Stay 1 Hour No Return 1 Hour restrictions on the following lengths of road:**

##### **Cruxwell Street (South-Eastern Side)**

- From a point 9m south-west of its junction with Rowberry Street for a distance of 17m in a south-westerly direction.
- From a point 35m south-west of its junction with Rowberry Street for a distance of 16m in a south-westerly direction.

The extents of the proposed restrictions are shown on the attached plan.

A copy of the draft Order, with plan and Statement of Reasons can be viewed on the Council's website at [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk) in the Proposed Traffic Regulation Order section. They are also available for inspection during normal office hours at the Hereford Customer Service Centre, Blue School House, Blue School Street, Hereford, HR1 2LX. 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 and Highways Engineering Ltd (Tel: 01454 332100). Objections to the proposal together with the grounds on which they are made must be sent in writing to the Traffic Management Team, ADL Traffic and Highways Engineering Ltd, ADL House, Oaklands Business Park, Armstrong Way, Yate, Bristol BS37 5NA, or by email to [lewis@adltraffic.co.uk](mailto:lewis@adltraffic.co.uk). The deadline for the receipt of objections is **12:00 noon on 13<sup>th</sup> January 2023**. Representations of support will also be received during this time.

*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 <https://ico.org.uk/>*

Phil Crossland  
Interim Service Director Highways Environment and Waste.  
15<sup>th</sup> December 2022

# ROAD TRAFFIC REGULATION ACT 1984

## HEREFORDSHIRE COUNCIL (CRUXWELL STREET & ROWBERRY STREET, BROMYARD) (PROHIBITION OF WAITING AT ANY TIME & LIMITED WAITING) ORDER 2023

The County of Herefordshire District Council known as Herefordshire Council, under Sections 1, 2, 3, 4, 5, 32, 33, 35, 37, 45 & 47 of Part I and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (referred to as “the Act”), after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act and of all other enabling powers hereby makes the following Order:

### PART ONE - INTRODUCTION

#### CITATION

- 1.1 This Order shall come into operation on the ...day of 2023 and may be cited as HEREFORDSHIRE COUNCIL (CRUXWELL STREET & ROWBERRY STREET, BROMYARD) (PROHIBITION OF WAITING AT ANY TIME & LIMITED WAITING) ORDER 2023

#### 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 authorised by or on behalf of the Council to supervise any parking place and who is appointed by Herefordshire Council under section 76 of the Traffic Management Act 2004;

“Council” means The County of Herefordshire District Council (known as Herefordshire Council) and includes any parking services contractors or authorised agent appointed by and acting on behalf of the Council for the purposes of any function under the provisions of this Order;

“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

“Driver”, in relation to a vehicle waiting in a parking place or restricted waiting area, means the person driving the vehicle at the time it was left in the parking place or restricted waiting area;

“Goods” means goods of any kind whether animate or inanimate and includes postal packets of any description; and “delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection

“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

“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

“Motor Cycle/s” has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984

“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

“Carriageway” has the same meaning as in section 329(1) of the Highways Act 1980;

“Parking Place” means any part of a road so marked (if any) and authorised by this order to be used for parking.

- 1.5** For the purposes of this Order a vehicle shall be regarded as displaying a disabled person’s badge in the relevant position when it is so regarded for the purposes of Regulation 3 of The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986, as amended by the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000.

- 1.6 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

## **PART TWO – PROHIBITION OF WAITING**

### **NO WAITING AT ANY TIME**

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

## **PART THREE – PARKING PLACES**

### **DESIGNATION OF PARKING PLACES**

- 3.1 Each length of road specified in columns 1, 2 and 3 of 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.

### **LIMITED WAITING**

- 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 for longer than the period of time specified in column 5 of Schedule 2.
- 3.11** No person shall cause or permit any vehicle waiting in the Parking Places specified in columns 1, 2 and 3 of Schedule 2 during the hours specified in column 4 of Schedule 2 to return to the same Parking Place within the period of time specified in column 6 of Schedule 2.

## **PART FOUR - EXEMPTIONS**

### **GENERAL EXEMPTIONS**

- 4.1** Nothing in this Order shall prohibit any vehicle from 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**

**4.2** 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

## **LIMITED WAITING EXEMPTIONS**

**5.3** Nothing in Articles 3.10 and 3.11 shall apply to a vehicle waiting for as long as necessary in the following circumstances:

- a) The vehicle is a Disabled Persons Vehicle
- 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 FIVE – CONTRAVENTIONS AND REVOCATIONS**

### **CONTRAVENTION**

**5.1** 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**

**5.2** In accordance with Part IV of Schedule 9 of the Act, any previous Waiting and Stopping Restriction Orders relating to the lengths of road referred to in this Order are hereby revoked on the coming into operation of this Order.

Dated this xxxxxx Day of xxxxxxxxxx 2023

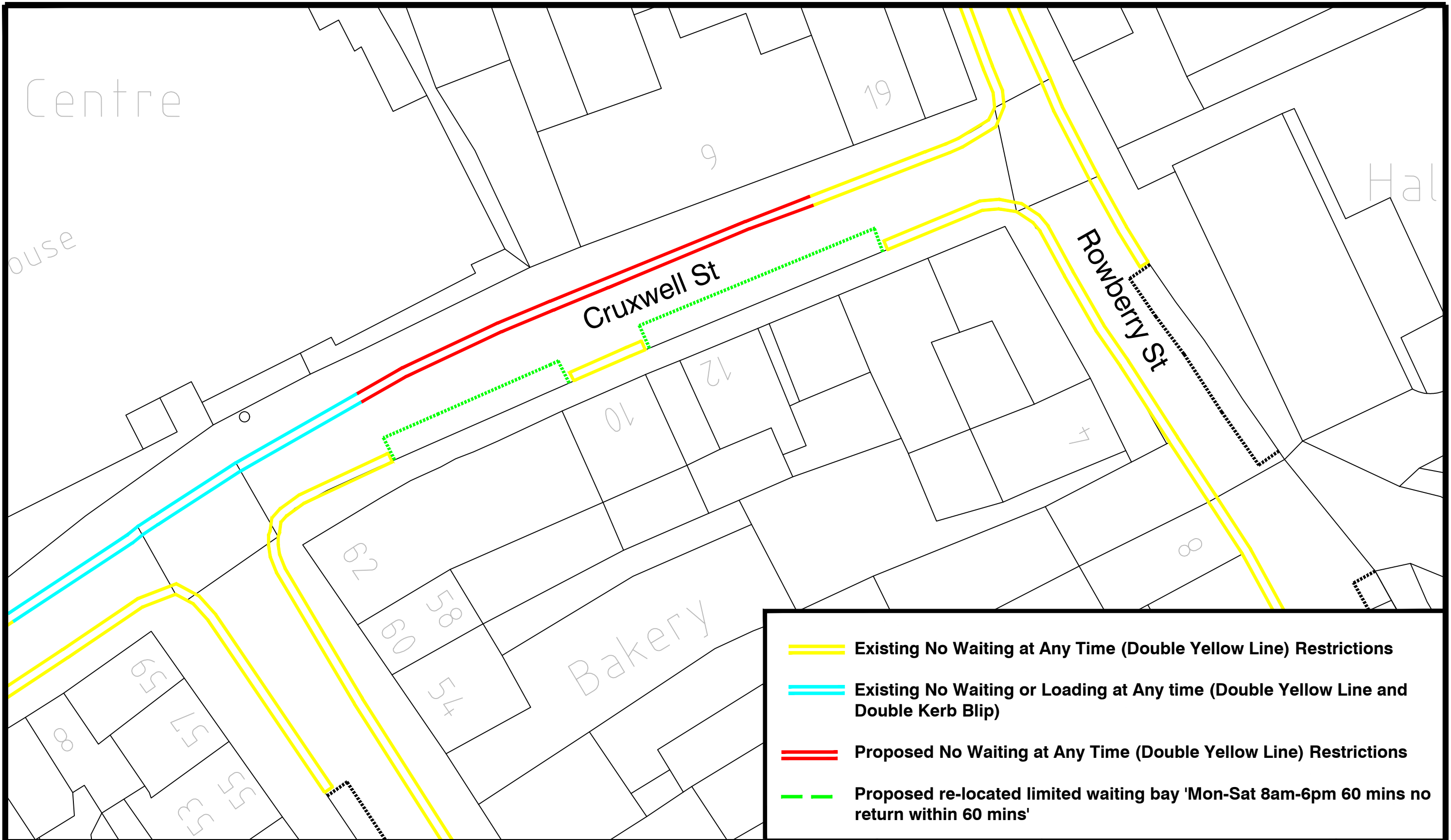
**THE COMMON SEAL** of the  
**COUNTY OF HEREFORDSHIRE**  
**DISTRICT COUNCIL**

was hereunto affixed **BY ORDER**

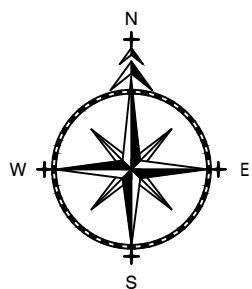
-----Authorised Officer

<b>Schedule 1 – Prohibition of Waiting at Any Time (Double Yellow Line) Restrictions</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Road</b>	<b>Side</b>	<b>Description</b>
Cruxwell Street	North-West	From a point 15m south-west of its junction with Rowberry Street for a distance of 37m in a south-westerly direction.
Rowberry Street	South-East	From its junction with Church Street for a distance of 19m in a south-westerly direction

<b>Schedule 2 – Limited Waiting (Marked Bay) Restrictions</b>					
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Road</b>	<b>Side</b>	<b>Description</b>	<b>Restricted hours</b>	<b>Maximum Stay</b>	<b>No Return</b>
Cruxwell Street	South-East	From a point 9m south-west of its junction with Rowberry Street for a distance of 17m in a south-westerly direction	Monday to Saturday 08:00-18:00	1 hour	1 hour
Cruxwell Street	South-East	From a point 35m south-west of its junction with Rowberry Street for a distance of 16m in a south-westerly direction	Monday to Saturday 08:00-18:00	1 hour	1 hour



== Existing No Waiting at Any Time (Double Yellow Line) Restrictions  
== Existing No Waiting or Loading at Any time (Double Yellow Line and Double Kerb Blip)  
== Proposed No Waiting at Any Time (Double Yellow Line) Restrictions  
- - - Proposed re-located limited waiting bay 'Mon-Sat 8am-6pm 60 mins no return within 60 mins'



T R A F F I C &  
H I G H W A Y S

ADL House  
The Oaklands Business Park  
Yate, Bristol  
BS37 5NA  
Tel : 01454 332100  
Fax : 01454 327983  
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.
  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.
- © Copyright ADL Traffic and Highways Engineering Ltd

**AMENDMENTS**

REF.	DATE	DESCRIPTION

ADL Job No. 3409-133

Project Cruxwell St, Bromyard

Title Proposed Restriction Alterations

Date Aug 2022 Drawn WW

Checked Date Approved Date

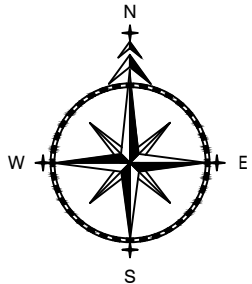
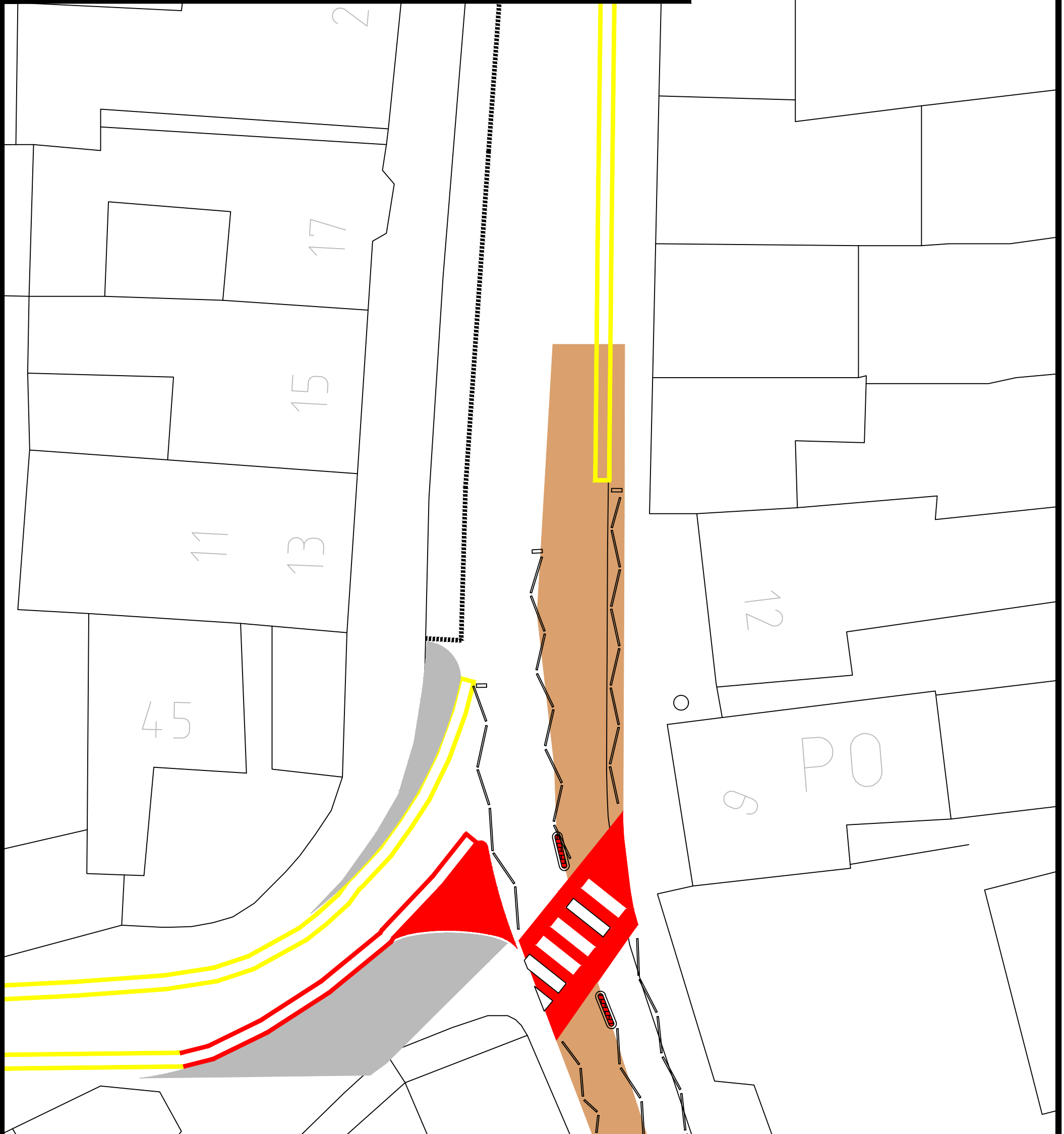
Scale NTS@A3 Drg No. 3409-133-001 Rev.



==== Existing No Waiting at Any Time (Double Yellow Line) Restrictions

--- Existing Parking Bay

==== Proposed No Waiting at Any Time (Double Yellow Line) Restrictions



T R A F F I C & H I G H W A Y S

ADL House  
The Oaklands Business Park  
Yate, Bristol  
BS37 5NA  
Tel : 01454 332100  
Fax : 01454 327983  
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.
  4. ALL DETAILS TO BE CONFIRMED ON SITE AND ON A TOPOGRAPHICAL SURVEY.
  5. ALL TRACKS ASSUME GRADIENTS AND CAMBERS DO NOT EXCEED 1:80 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.
- © Copyright ADL Traffic and Highways Engineering Ltd

**AMENDMENTS**

REF.	DATE	DESCRIPTION

ADL Job No. 3409-133

Project Church Street/Rowberry St Bromyard

Title Proposed Additional Restrictions

Date Aug 2022 Drawn WW

Checked Date Approved Date

Scale Drg No. Rev.  
NTS@A3 3409-133-002

**COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**STATEMENT OF REASONS FOR PROPOSING**

**HEREFORDSHIRE COUNCIL  
(CRUXWELL STREET & ROWBERRY STREET, BROMYARD)  
(PROHIBITION OF WAITING AT ANY TIME & LIMITED WAITING)  
ORDER 2023**

The implementation of the proposed restrictions under Sections 1, 2, 3, 4, 5, 32, 33, 35, 37, 45 & 47 of Part I and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 is necessary for the following reasons:

- To improve the turning circle for vehicles turning right out of High Street onto Cruxwell Street, as well as for vehicles turning right from Cruxwell Street onto Rowberry Street, thereby reducing the risk of damage to buildings.
- To prevent inappropriate waiting and obstruction for passing traffic on Rowberry Street.
- 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 preserving and improving the amenity of the area through which the road runs.
- To secure the expeditious, convenient, and safe movement of traffic.

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.

Phil Crossland  
Interim Service Director Highways Environment and Waste