

NOTICE OF PROPOSAL

HEREFORDSHIRE COUNCIL (MORTIMER ROAD, PERSEVERANCE ROAD & A49 NEWTOWN ROAD, HEREFORD) (PROHIBITION OF WAITING AT ANY TIME) ORDER 2023

The County of Herefordshire District Council, known as Herefordshire Council, in exercise of its powers under Sections 1, 2 and 3 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:

Perseverance Road (Northern Side)

- From a point 7m east of its junction with Holmer Service Road for a distance of 30m in an easterly direction
- From its junction with Mortimer Road for a distance of 10m in a north-westerly direction

Perseverance Road (Southern Side)

- From a point 7m east of its junction with Holmer Service Road for a distance of 31m in an easterly direction
- From its junction with Mortimer Road for a distance of 11m in a north-westerly direction

Mortimer Road (Western Side)

- From its junction with Perseverance Road for a distance of 10m in a north-easterly direction
- From its junction with Perseverance Road for a distance of 9m in a south-westerly direction.
- From its junction with A49 Newtown Road for a distance of 32m in a north-easterly direction.

Mortimer Road (Eastern Side)

- From its junction with A49 Newtown Road for a distance of 30m in a north-easterly direction

A49 Newtown Road (Northern Side)

- From its junction with Mortimer Road for a distance of 3m in a south-easterly direction.
- From its junction with Mortimer Road for a distance of 11m in a north-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 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 WC@adltraffic.co.uk. The deadline for the receipt of objections is 12:00 noon on Friday 10th February 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/>

Mark Averill
Interim Service Director Highways Environment and Waste.
19th January 2023

ROAD TRAFFIC REGULATION ACT 1984

HEREFORDSHIRE COUNCIL (MORTIMER ROAD, PERSEVERANCE ROAD & A49 NEWTOWN ROAD, HEREFORD) (PROHIBITION OF WAITING AT ANY TIME) ORDER 2023

The County of Herefordshire District Council known as Herefordshire Council, under Sections 1, 2 and 3 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 and may be cited as HEREFORDSHIRE COUNCIL (MORTIMER ROAD, PERSEVERANCE ROAD & A49 NEWTOWN ROAD, HEREFORD) (PROHIBITION OF WAITING AT ANY TIME) 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;

“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;

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 - EXEMPTIONS

GENERAL EXEMPTIONS

- 3.1 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

3.2 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

PART FOUR – CONTRAVENTIONS AND REVOCATIONS

CONTRAVENTION

4.1 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

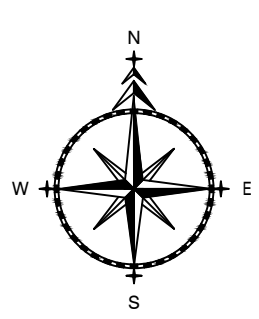
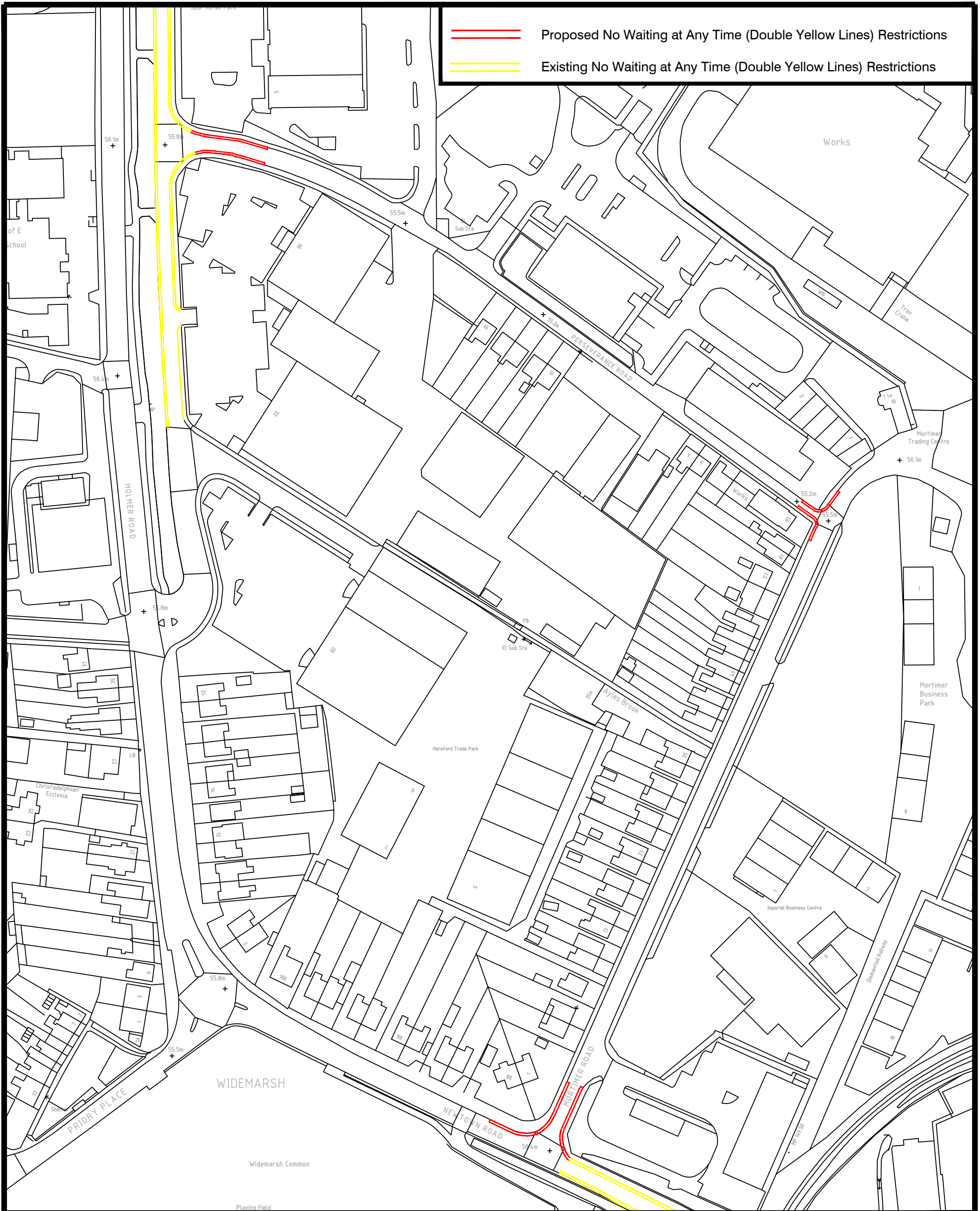
4.2 In accordance with Part IV of Schedule 9 of the Act, any previous Waiting and Stopping Restriction Orders relating to the lengths of road referred to in this Order are hereby revoked on the coming into operation of this Order.

Dated this xxxxxx Day of xxxxxxxxxxxx 2023

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

-----Authorised Officer

Schedule 1 – Prohibition of Waiting at Any Time (Double Yellow Line) Restrictions		
Column 1	Column 2	Column 3
Road	Side	Description
Perseverance Road	North	From a point 7m east of its junction with Holmer Service Road for a distance of 30m in an easterly direction.
Perseverance Road	South	From a point 7m east of its junction with Holmer Service Road for a distance of 31m in an easterly direction.
Perseverance Road	North	From its junction with Mortimer Road for a distance of 10m in a north-westerly direction.
Perseverance Road	South	From its junction with Mortimer Road for a distance of 11m in a north-westerly direction.
Mortimer Road	West	From its junction with Perseverance Road for a distance of 10m in a north-easterly direction.
Mortimer Road	West	From its junction with Perseverance Road for a distance of 9m in a south-westerly direction.
Mortimer Road	West	From its junction with A49 Newtown Road for a distance of 32m in a north-easterly direction.
Mortimer Road	East	From its junction with A49 Newtown Road for a distance of 30m in a north-easterly direction.
A49 Newtown Road	North	From its junction with Mortimer Road for a distance of 3m in a south-easterly direction.
A49 Newtown Road	North	From its junction with Mortimer Road for a distance of 11m in a north-westerly direction.



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

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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 OSBASE.
4. ALL DETAILS TO BE CONFIRMED ON SITE AND ON A TOPOGRAPHICAL SURVEY.
5. ALL TRACKS ASSUME GRADIENTS AND CAMBERS DO NOT EXCEED 1:50 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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AMENDMENTS		
REF.	DATE	DESCRIPTION

ADL Job No. 3409-131

Project Mortimer & Perseverance Road, Hereford			
Title Proposed Additional Restrictions			
Date August 2022	Drawn WW		
Checked	Date	Approved	Date
Scale NTS@A3	Drg No. 3409-131-001	Rev.	

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

STATEMENT OF REASONS FOR PROPOSING

**HEREFORDSHIRE COUNCIL
(MORTIMER ROAD, PERSEVERANCE ROAD & A49 NEWTOWN ROAD,
HEREFORD)
(PROHIBITION OF WAITING AT ANY TIME)
ORDER 2023**

The implementation of the proposed restrictions under Sections 1, 2 and 3 of Part I and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 is necessary for the following reasons:

- 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.
- To prevent vehicles parking opposite one another on both sides of the road which could cause obstruction for vehicles attempting to navigate that road
- To prevent vehicles parking close to junctions thereby improving visibility and safety for vehicles navigating them

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.

Mark Averill
Interim Service Director Highways Environment and Waste