

NOTICE OF MAKING

(U71236 AND B4164, WHITCHURCH) (PROHIBITION OF WAITING) ORDER 2019

Notice is hereby given that the County of Herefordshire District Council, known as Herefordshire Council, in exercise of its enabling powers has made the above named order under Sections 1 and 2 of the Road Traffic Regulation Act 1984, the effect of which will be to implement a prohibition of waiting at any time restriction at the following locations **U71236 WHITCHURCH North west side** from its junction with the C1250 for a distance of 68 metres in a south westerly direction. **South east side** from its junction with the C1250 for a distance of 25 metres in a south westerly direction. **B4164 WHITCHURCH (Generally – the area to the south east of the A40) North east side kerb line (to the northeast of the roundabout)** From a point 3 metres south east of the south eastern point of the splitter island located at the junction of the southwest bound carriageway of the A40 and the B4164 for a distance of 42 metres in a south easterly direction. **South west side kerb line (to the northeast of the roundabout)** from a point 8 metres south east of the south eastern point of the splitter island located at the junction of the southwest bound carriageway of the A40 and the B4164 for a distance of 8 metres in a south easterly direction. **Western side kerb line (to the west of the roundabout)** from a point 60 metres south east of the south eastern point of the splitter island located at the junction of the southwest bound carriageway of the A40 and the B4164 for a distance of 15 metres in a south easterly direction and from a point 136 metres north east of the junction of the B4164 and the C1251 for a distance of 14 metres in a north easterly direction **Southern side kerb line (to the east of the roundabout)** from a point 165 metres north east of the junction of the B4164 and the C1251 for a distance of 61 metres in a generally easterly direction.

This order will come into operation on 14 June 2019

A copy of the Order, with plan and Statement of Reasons for Making can be viewed on the Council's website at www.herefordshire.gov.uk in the Introduced Traffic Regulation Order section. They are also available for inspection during normal office hours at the Council Offices, Plough Lane, Hereford HR4 0LE and at the Ross-on-Wye Customer Service Centre, Ross Library, Cantilupe Road, Ross-on-Wye, HR9 7AN. Photocopies of the same may be provided on payment of photocopying charges at the Council.

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 th@adltraffic.co.uk).

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

Clive Hall Acting Assistant Director Highways and Transport

ROAD TRAFFIC REGULATION ACT 1984

HEREFORDSHIRE COUNCIL

(U71236 AND B4164, WHITCHURCH) (PROHIBITION OF WAITING) ORDER 2019

The County of Herefordshire District Council ("the Council") in exercise of its powers under Sections 1, 2, of the 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 ^{14th} day of *June* 2019 and may be cited as Herefordshire Council (U71236 and B4164, Whitchurch) (Prohibition of Waiting) Order 2019.

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.

"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.

(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 AT ANY TIME

- 3. Save as provided in Articles 5 and 6 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 at any time on the lengths of road as mentioned in Schedule 1 hereto and as shown for identification purposes only on the attached plan.

POWER TO SUSPEND PROHIBITION OF WAITING

- 4. Nothing in Articles 3 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. Nothing in Article 3 of this Order shall render it unlawful to cause or permit any vehicle to wait on the sides of those lengths of road referred to in Schedule 1 of this Order for 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.
6. 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

7. 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.

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

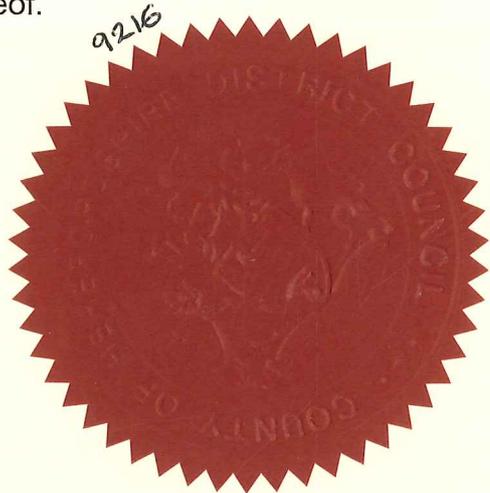
Dated this *3rd* day of *June* 2019

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



..... **Authorised Officer**

Tim Marks
Deputy Solicitor to
Herefordshire Council



SCHEDULE 1

PROHIBITION OF WAITING AT ANY TIME

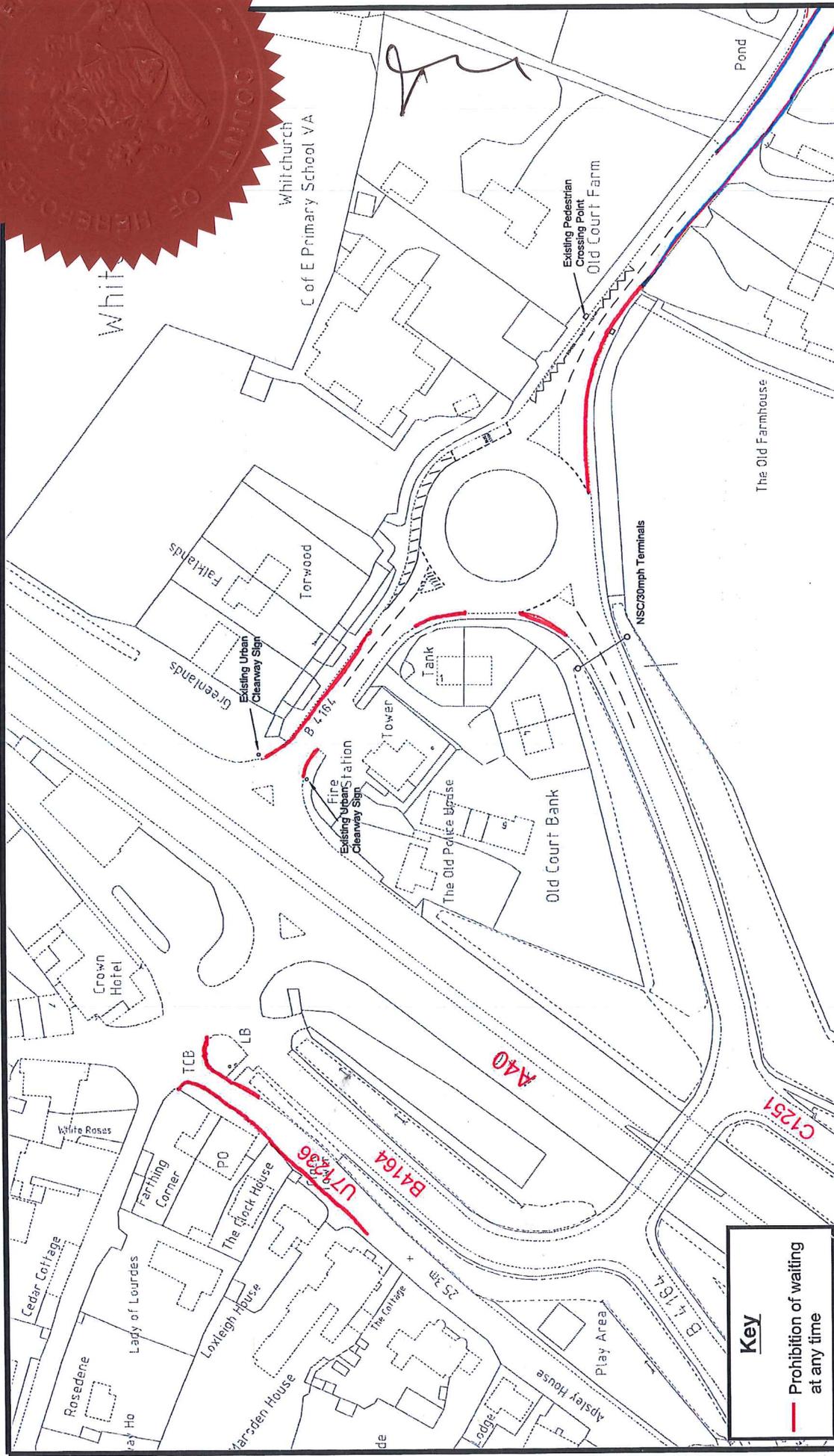
U71236 WHITCHURCH

1. North west side
 - (a) From its junction with the C1250 for a distance of 68 metres in a south westerly direction.
2. South east side
 - (a) From its junction with the C1250 for a distance of 25 metres in a south westerly direction.

B4164 WHITCHURCH (Generally – the area to the south east of the A40)

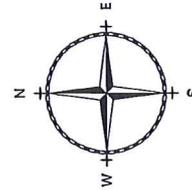
1. North east side kerb line (to the northeast of the roundabout)
 - (a) From a point 3 metres south east of the south eastern point of the splitter island located at the junction of the southwest bound carriageway of the A40 and the B4164 for a distance of 42 metres in a south easterly direction.
2. South west side kerb line (to the northeast of the roundabout)
 - (a) From a point 8 metres south east of the south eastern point of the splitter island located at the junction of the southwest bound carriageway of the A40 and the B4164 for a distance of 8 metres in a south easterly direction.
3. Western side kerb line (to the west of the roundabout)
 - (b) From a point 60 metres south east of the south eastern point of the splitter island located at the junction of the southwest bound carriageway of the A40 and the B4164 for a distance of 15 metres in a south easterly direction.
 - (c) From a point 136 metres north east of the junction of the B4164 and the C1251 for a distance of 14 metres in a north easterly direction
4. Southern side kerb line (to the east of the roundabout)
 - (a) From a point 165 metres north east of the junction of the B4164 and the C1251 for a distance of 61 metres in a generally easterly direction.

9216



Key

— Prohibition of waiting at any time



ADL
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 332101
 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 VISUAL 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.
- © Copyright ADL Traffic and Highways Engineering Ltd

REF.	DATE	DESCRIPTION
A	13/09/2018	STATUTORY CONSULTATION DRAWING

PROJECT B4164 AND U71236 WHITCHURCH HEREFORDSHIRE	
Title PROHIBITION OF WAITING AT ANY TIME	
Date 13.09.2018	Drawn TD
Checked	Appr'd
Scale 1:10000A3	Drawn No. 3409-35
ADL Job No. 3409	Rev. E

HEREFORDSHIRE COUNCIL

STATEMENT OF REASONS FOR MAKING

(U71236 AND B4164, WHITCHURCH) (PROHIBITION OF WAITING) ORDER 2019

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

- To clarify the waiting restrictions in the roads 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 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.

Clive Hall
Acting Assistant Director of Highways and Transport