

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



**The North East Lincolnshire Borough Council
(7.5 Tonne Weight Limit) (Pelham Road, Immingham)
(No. 19-03) Order 2019**

North East Lincolnshire Council, hereinafter referred to as "the Council", in exercise of powers conferred upon it under Sections 1, 2 and 4 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "The Act of 1984") as amended, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to The Act of 1984, hereby make the following Order.

1 Title

- 1.1 This Order shall come into operation on the 22 day of October 2019 and may be cited as **The North East Lincolnshire Borough Council (7.5 Tonne Weight Limit) (Pelham Road, Immingham) (No. 19-03) Order 2019.**

2 Definitions

- 2.1 In this Order all expressions, except as otherwise herein provided, shall have the meanings assigned to them by the Act of 1984 and other statutory instruments as follows:

"The Act of 1984" means The Road Traffic Regulation Act 1984;

"Article" means the Article of this Order unless otherwise stated and includes reference to any paragraph to that Article referred to by number or letter;

"Carriageway" means a way constituting or comprised in the road being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"Council" means North East Lincolnshire Borough Council and includes any parking services contractors or authorised agents appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

"Emergency" shall be defined as a situation that poses an imminent risk to health, life, property or environment which requires immediate intervention.

"Emergency Vehicle" shall bear the same meaning as in Regulation 3(2) of the Road Vehicle Lighting Regulations 1989.

"Enactment" means any enactment, whether public, general or local, and includes any order, bylaw rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"Goods" and **"Merchandise"** means goods of any kind whether animate or inanimate and includes Postal Packets of any kind that require transportation by a vehicle;

"Heavy Commercial Vehicle" shall bear the same meaning as in Section 138 of the Act of 1984.

"The Plans" means the schedules and drawings attached to this Order.

"Postal Packet(s)" has the same meaning as in Section 87 of the Post Office Act 1953;

"Public Service Vehicle" has the same meaning as defined in Section 1 of the Public Passenger Vehicles Act 1981 and any reference in this Order to a public service vehicle includes such a vehicle being used on a "local service" or a "non-local service" as defined in Section 2 of the Transport Act 1985;

"Statutory Undertaker(s)" has the same meaning as in Section 329 of the Highways Act 1980;

"Telecommunication System" has the same meaning as in the Telecommunications Act 1984;

"Traffic Regulation Order", **"Order"** or **"TRO"** have the same meaning respectively, that being an Order made under Section 1 of the Act 1984;

- 2.2 For the purpose of this Order unless otherwise specified all references to any documents including Statutory Instruments, Regulations and policies and procedures of the Council relate to the current version of those documents as amended or substituted from time to time.
- 2.3 For the purpose of this Order the prohibitions and restrictions contained in the Articles to this Order and shown on the attached Plans shall apply to the full extent of the public highway.
- 2.4 Unless the context otherwise requires, the words in the singular shall include the plural and in the plural shall include the singular.
- 2.5 The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under The Act of 1984, or by or under any other Enactment.
- 2.6 For the purposes of this Order, North East Lincolnshire Council accepts no responsibility for any inaccuracies contained in the Ordnance Survey data relied upon in the preparation of The Plans attached to this Order. Where a restriction applies to the edge of a length of Carriageway or highway (adjacent to the kerb) that restriction will continue to apply to the actual edge of Carriageway or highway irrespective of changes to either the Carriageway width or to the underlying Ordnance Survey data.
- 2.7 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- 2.8 If a Court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or un-enforceable, such declaration shall not invalidate the remainder of the Order.

3 Exemptions

- 3.1 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle referred to in that article to proceed in the lengths of road referred to in Schedule 1 if the vehicle is being used for the purpose of any Emergency building operation, demolition or excavation, or the maintenance or improvement or reconstruction of the road, or any works connected with any Statutory Undertaker's apparatus for the supply of gas, water or electricity or of any Telecommunications System situated on or adjacent to the road.
- 3.2 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle referred to in that article to proceed in the lengths of road referred to in Schedule 1 if the vehicle is an Emergency Vehicle.
- 3.3 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle referred to in that article to proceed in the lengths of road referred to in Schedule 1 if the vehicle is being used in connection with the removal of any item in the highway where such moving may be reasonably necessary for the purpose of preventing obstruction.
- 3.4 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle referred to in that article to proceed in the lengths of road referred to in Schedule 1 if the vehicle is being used in the service of the Council in pursuance of statutory powers or duties.

- 3.5 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle referred to in that article to proceed in the lengths of road referred to in Schedule 1 to enable the vehicle to be used by persons gaining access to any premises fronting, adjoining, abutting or situated adjacent to the roads where no suitable alternative means of access is available.
- 3.6 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle referred to in that Article to proceed in the lengths of road referred to in Schedule 1 if the vehicle is to be garaged, serviced or repaired at any premises situated on or adjacent to that road.
- 3.7 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle referred to in that Article to proceed in the lengths of road referred to in Schedule 1 if the vehicle is being used:
- (1) for the conveyance of Goods or Merchandise from or to any premises situated on or adjacent to that road;
 - (2) for the conveyance of Goods or Merchandise from or to any premises situated on any road only accessed from the lengths of road referred to in Schedule 1.
 - (3) for the purpose of being loaded or unloaded while it is in actual use in connection with the removal of 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.
 - (4) as a Public Service Vehicle, school bus or works bus.
- 3.8 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle referred to in that Article to proceed in the lengths of road referred to in Schedule 1 if the vehicle is being used for the purpose of agriculture on any land situated on or adjacent to the roads referred to, or for or in connection with the conveyance or haulage of timber felled upon such land.

4 Prohibition of Vehicle Movement (by Dimension) - 7.5 Tonnes Weight Limit, Except for Access

- 4.1 Save as provided in Articles 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7 and 3.8 to this Order no person shall, except upon the direction of or with the permission of a Police Officer in uniform, cause or permit any Heavy Commercial Vehicle to proceed in any length of road detailed in Schedule 1.

SCHEDULE 1

"Prohibition of Vehicle Movement - 7.5 Tonne Weight Limit, Except for Access"

Col. 1	Col. 2
<u>STREET</u>	<u>LENGTH OF ROAD</u>
PELHAM ROAD, IMMINGHAM	The whole length

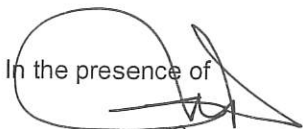
THE COMMON SEAL OF THE
NORTH EAST LINCOLNSHIRE
BOROUGH COUNCIL

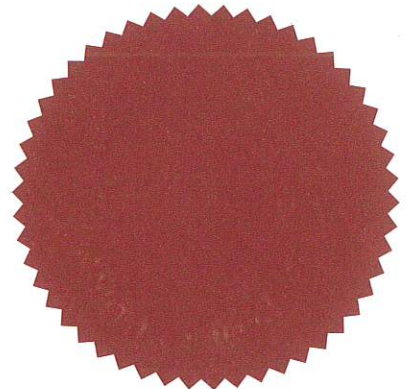
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17 Day of

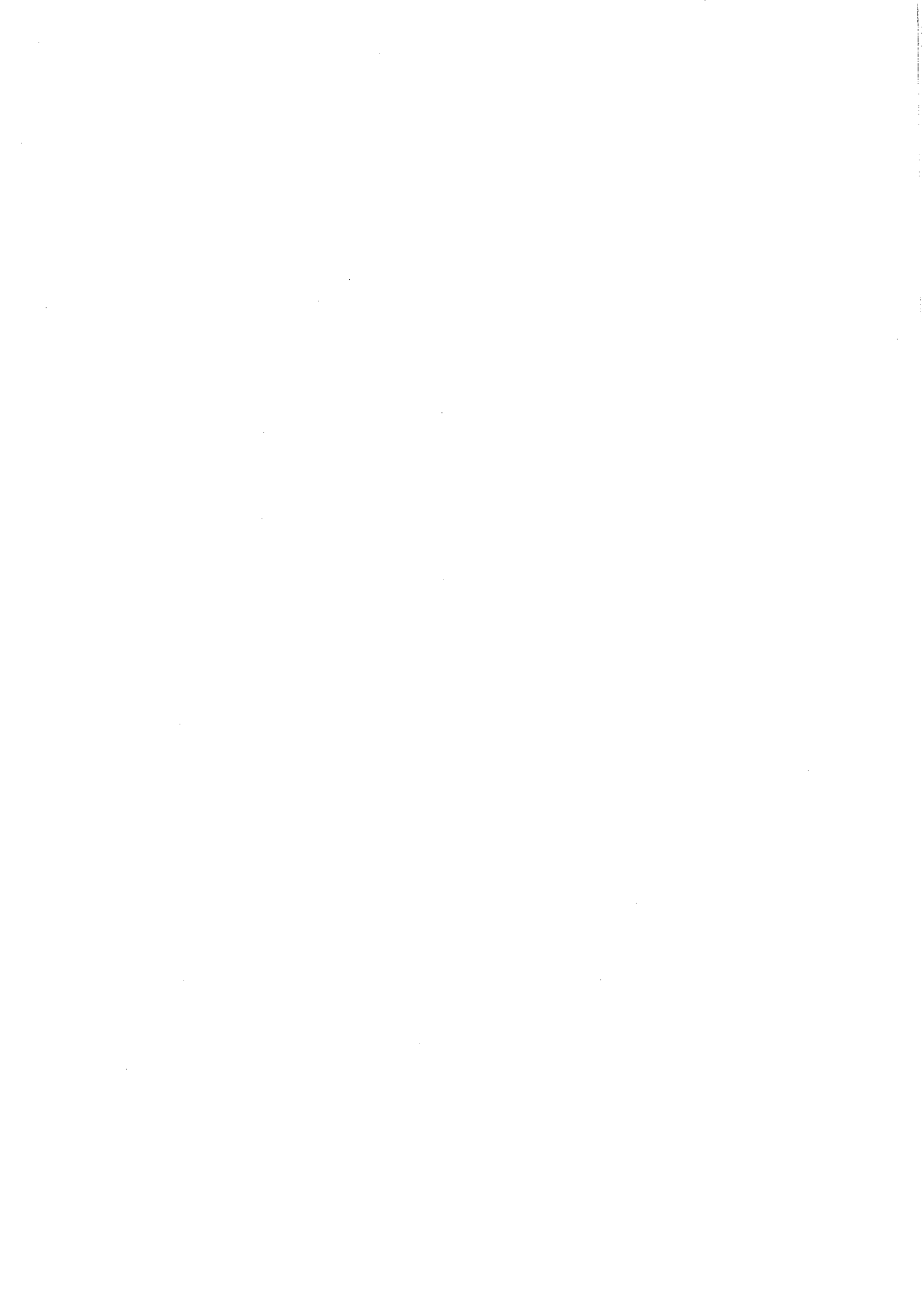
October 2019

In the presence of

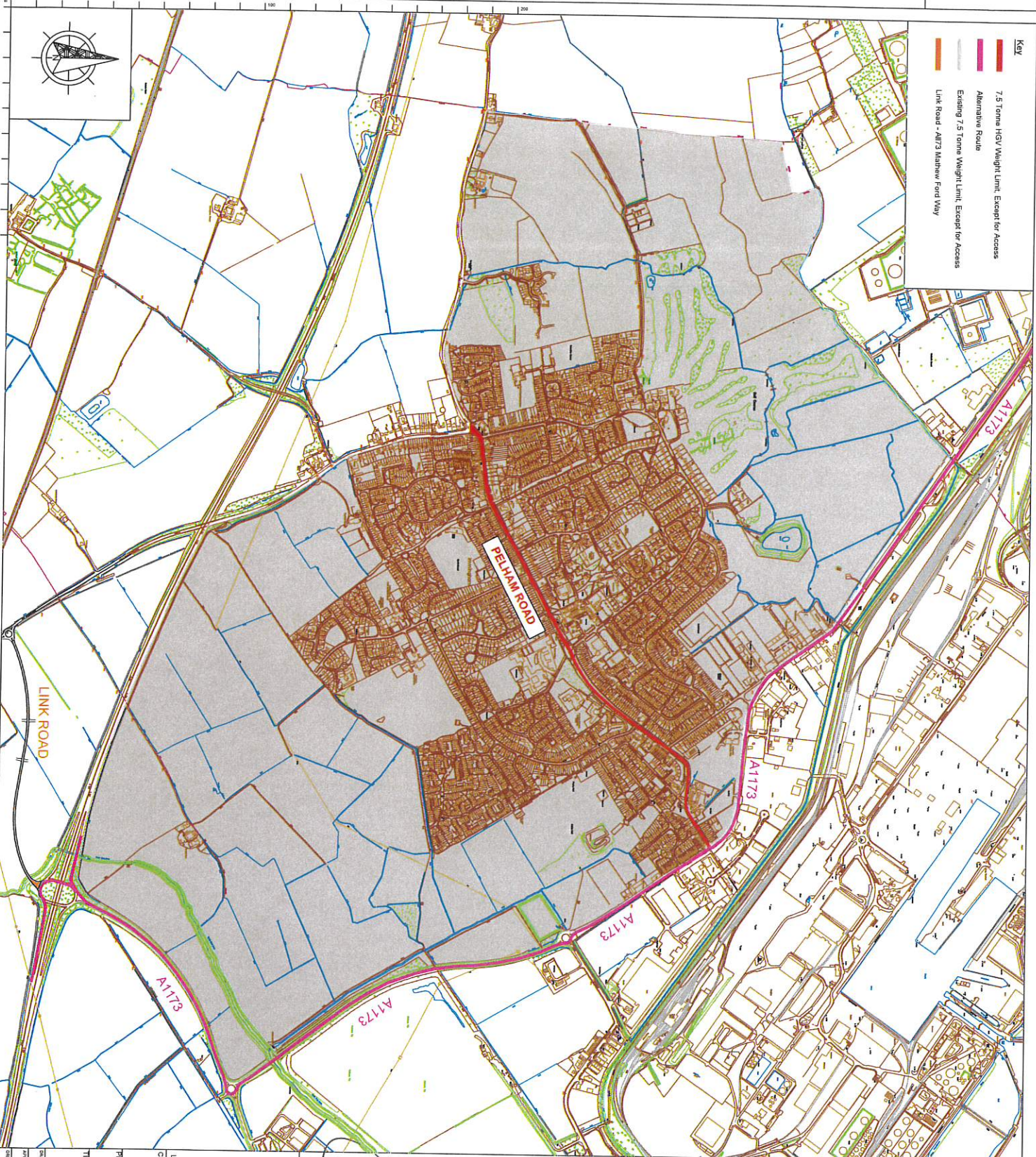

Simon J. Jones
Chief legal and Monitoring Officer



8595



- Key**
- 7.5 Tonne HGV Weight Limit, Except for Access
 - Alternative Route
 - Existing 7.5 Tonne Weight Limit, Except for Access
 - Link Road - A1773 Mathew Ford Way



NOTES

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Label: Amendment
 CLIENT: NORTH EAST LINCOLNSHIRE COUNCIL
 PROJECT: Pelham Road, Immingham

TITLE: Traffic Regulation Orders
 7.5 Tonne HGV Weight Limit, Except for access

Scale:	AB	Date:	15/02/19	Drawn:	TR-19-03
Author:	AB	Check:	01/04/19	Drawn:	TR-19-03
Approved:	PH	Scale:	1:1000	Drawn:	TR-19-03
Drawn:	AB	Scale:	1:1000	Drawn:	TR-19-03

