

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



The North East Lincolnshire Borough Council (Energy Park Way) (Clearway) (No. 19-20B) Order 2020

North East Lincolnshire Council, hereinafter referred to as “the Council”, in exercise of powers under Sections 1(1), 2(1) and (2), and 122A of the Road Traffic Regulation Act (hereinafter referred to as “The Act of 1984”), 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, hereby makes the following Order:—

1 Title

- 1.1 This Order shall come into operation on the _____ day of _____, 2020 and may be cited as The North East Lincolnshire Borough Council (Energy Park Way) (Clearway)(No. 19-20B) Order 2020

2 Definitions

- 2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

“The Act of 1984” means The Road Traffic Regulation Act 1984;

“The Act of 2004” means the Traffic Management Act 2004;

“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;

“Civil Enforcement Officer” means a person employed by, or on behalf of, the Council under the provisions of Part 6 of The Act of 2004 and in accordance with Section 76 of The Act of 2004 authorised to enforce the restrictions imposed by this Order and to carry out the functions therein;

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

“Civil Enforcement Officer” means a person employed by, or on behalf of, the Council under the provisions of Part 6 of The Act of 2004 and in accordance with Section 76 of The Act of 2004 authorised to enforce the restrictions imposed by this Order and to carry out the functions therein;

“Clearway” means all parts of the Main Carriageway including any slip roads and any acceleration and deceleration splays specified in The Plans where stopping is prohibited during the Prohibited Hours

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

“Driver” in relation to the vehicle left, Waiting or stopped, means the person driving the vehicle at the time it was left, Waiting or stopped or the person deemed to be the Driver by a Police Officer in uniform or a Civil Enforcement Officer in uniform acting under the terms of this Order;

“Emergency” means a situation that poses an imminent risk to health, life, property or environment which requires immediate intervention;

“Emergency Vehicle” has the same meaning as in Regulation 3(2) of the Road Vehicle Lighting Regulations 1989;

“Layby-By” means any part of the carriageway intended for the waiting of vehicles.

“Main Carriageway” means that part of a public highway used primarily for through traffic provided that the expression Main Carriageway shall not include any Lay-By or Parking Place;

“Parking Place” means any of the sides or lengths of carriageway provided for the leaving of a vehicle as indicated by Traffic Signs;

“The Plans” means the schedules and drawing TM19-20-1202 attached to this Order.

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

“Telecommunication System” has the same meaning as defined in the Telecommunications Act 1984;

“Traffic Regulation Order”, “Order” or “TRO” have the same meaning respectively, that being an Order made under powers contained within The Act of 1984;

“Traffic Sign” means a sign or road marking of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, TSRGD2016;

“TSRGD2016” means the Traffic Signs Regulations and General Directions 2016.

“Wait” and “Waiting” refer to the stopping of a vehicle and it remaining at rest for some time whether or not the Driver is still in the vehicle and a vehicle shall be deemed to be Waiting for any period on any Clearway if any part of it is below the vehicle or the vehicle’s load (if any) whether or not the vehicle is moved during that period;

- 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 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.
- 2.4 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.
- 2.5 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.
- 2.6 Unless the context otherwise requires, the words in the singular shall include the plural and in the plural shall include the singular.

3 Exemptions

- 3.1 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to stop in any of the roads, lengths of road or on the sides of road in The Plans for so long as it may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road and close proximity to the site is essential, to be used for the purpose of any Emergency building operation, demolition or excavation, or the maintenance or improvement or reconstruction of the said lengths or sides of road or any works connected with any Statutory

Undertaker's apparatus for the supply of gas, water or electricity or of any Telecommunications System.

- 3.2 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to stop in any of the roads, lengths of road or on the sides of road in The Plans for so long as it may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of the local authority in pursuance of statutory powers or duties.
- 3.3 Nothing in Article 4.1 to this Order shall render it unlawful to cause or permit any vehicle to stop in any of the roads, lengths of road or on the sides of road in The Plans for so long as it may be necessary to enable an Emergency Vehicle to be used in the course of an Emergency.
- 3.4 Nothing in Articles 4.1 to this Order shall render it unlawful to cause or permit any vehicle to stop in any of the roads, lengths of road or on the sides of road for so long as it may be necessary to enable the vehicle to be used in any case where the person in control of the vehicle:
- a) is required by law to stop or Wait or is permitted to stop or Wait by a Police Officer in uniform or Civil Enforcement Officer in uniform;
 - b) is obliged to stop so as to prevent an accident; or
 - c) is prevented from proceeding by circumstances outside their control.
- 3.5 Nothing in Article 4.1 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to stop in any of the roads, lengths of road or on the sides of road for so long as may be necessary to enable the vehicle if it cannot be used for such purpose without stopping on that length of road to be 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.

4 Prohibition of stopping on 24-hour Clearway

- 4.1 No person shall except upon the direction or with the permission of a Police Constable in uniform or of a Civil Enforcement Officer in uniform cause or permit any vehicle to stop on any of the lengths of roads identified as a Clearway on the Plans attached to this Order.
- 4.2 Notwithstanding any exemption detailed in Articles 3.1, 3.2, 3.3, 3.4 and 3.5, the person in control of a vehicle stopped on any of the lengths of road identified as a Clearway on the Plans attached to this Order, shall move the vehicle on the instructions of a Police Constable in uniform or Civil Enforcement Officer in uniform whenever such moving may be reasonably necessary for the purpose of preventing obstruction.

5 Civil Parking Enforcement

CONTRAVENTION AND PENALTY CHARGE NOTICES

- 5.1 Where a vehicle has been left in contravention of the restrictions imposed by this Order, a Penalty Charge shall be incurred, the amount of which will be set by North East Lincolnshire Borough Council under the provisions of The Act of 2004 relating to the Civil Enforcement Areas and Special Enforcement Areas.
- 5.2 Where a Penalty Charge is payable, a Penalty Charge Notice shall be issued by a Civil Enforcement Officer in accordance with The Act of 2004.

MANNER OF PAYMENT OF PENALTY CHARGE NOTICE

- 5.3** The Penalty Charge shall be paid within 28 days payable to North East Lincolnshire Borough Council under the terms referred to in the said Notice.

RESTRICTION ON REMOVAL OF PENALTY CHARGE NOTICE

- 5.4** Where a notice has been attached to a vehicle in accordance with the provisions of The Act of 2004, no person not being the Driver of the vehicle or duly authorised representative of the Council shall remove the notice from the vehicle unless authorised to do so by the Driver.

SCHEDULE 1

“24-hour Clearway – No Stopping at Any Time”

<u>ROAD</u>	<u>DIRECTION</u>	<u>EXTENT</u>
Energy Park Way (Humber Bank Link Road)	Both	From its junction with MOODY LANE in a North Westerly direction to the South-Eastern extremity of HOBSON WAY

This Order is executed

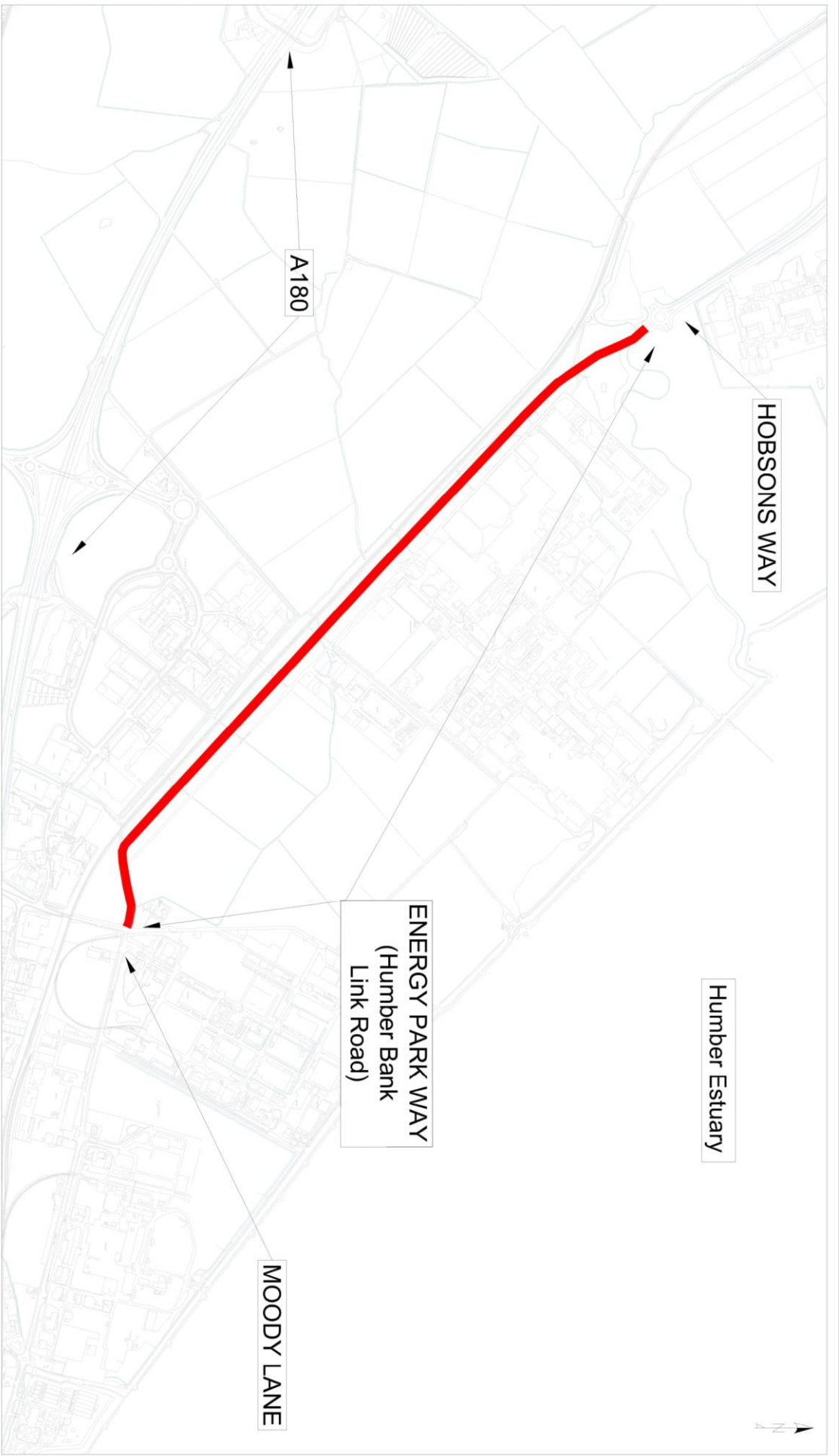
By **North East Lincolnshire Borough Council**

Acting by two Authorised Signatories on this

????? Day of ???????2020

Authorised Signatory

Authorised Signatory



KEY:
 Clearway - No Stopping At Any Time

CLIENT
NORTH EAST LINCOLNSHIRE COUNCIL

PROJECT
SOUTH HUMBER INDUSTRIAL INVESTMENT PROGRAMME

TITLE
 TRAFFIC REGULATION ORDER (19-20B)
 ENERGY PARK WAY (Humber Bank Link Road)
 RURAL CLEARWAY - NO STOPPING AT ANY TIME

engie NORTH LINCOLNSHIRE COUNCIL
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Letter	Amendment	Drawn	Date