

# NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



## **The Borough of North East Lincolnshire Council (Prohibition of Stopping on Verges and Footways) (Waltham) (No. 24-08A) Order 2024**

North East Lincolnshire Council, hereinafter referred to as “the Council”, in exercise of powers conferred upon it under Sections 1, 2, and 4, and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as ‘the Act 1984’), and of all other enabling powers, hereby make the following Order.

1. **Title**

1.1 This Order shall come into operation on the     day of                             2024  
and may be cited as The Borough of North East Lincolnshire Council (Prohibition  
of Stopping on Verges and Footways) (Waltham) (No. 24-08A) Order 2024.

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;

**“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;

**“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;

**“Driver”** in relation to the vehicle left Stopped or Waiting on a Prohibited Verge or  
Footway, means the person driving the vehicle at the time it was left Stopped or  
Waiting on a Prohibited Verge or Footway 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”** 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 (as modified or superseded from time to  
time).

**“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;

**“Footway”** means a way comprised in a highway which also comprises a  
Carriageway, being a way over which the public have a right of way on foot only;

**“The Plans”** means the drawings attached to this Order.

**“Prohibited Verge or Footway”** means any of the verges or footways of the sides or lengths of roads specified in Schedule 2 and as shown indicatively on The Plans where Stopping or Waiting is prohibited.

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

**“Stop” or “Stopping”** 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;

**“Telecommunication System”** has the same meaning as “electronic communications network” in the Communications Act 2003;

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

**“Trailer”** has the same meaning as that in Section 136 of the Act of 1984 ;

**“Verge”** means any land forming part of the highway maintainable at public expense which is neither Carriageway nor Footway;

**“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 in the same Prohibited Verge or Footway if any part of the Prohibited Verge or Footway 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 For the purpose of this Order the prohibitions and restrictions contained in the Articles to this Order and shown on the attached Plans and Schedules shall apply to the full extent of the public highway.
- 2.4 For the purpose of this Order a vehicle shall be taken as Stopped or Waiting on a length of road if any point on that length of road is below the vehicle or its load (if any).
- 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 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.

2.8 Unless the context otherwise requires, the words in the singular shall include the plural and in the plural shall include the singular.

### **3 Revocations**

The Order listed in Schedule 1 shall from the date this Order comes into operation be revoked in its entirety.

### **4 Exemptions**

4.1 Nothing in Article 5.1 to this Order shall render it unlawful to cause or permit any vehicle to Stop or Wait on any Prohibited Verge or Footway 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 Prohibited Verge or Footway or length or side of adjoining Carriageway or any works connected with any Statutory Undertaker's apparatus for the supply of gas, water or electricity or of any Telecommunications System.

4.2 Nothing in Article 5.1 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to Stop or Wait on any Prohibited Verge or Footway so long as may be necessary to enable the vehicle if it cannot be used for such purpose without Stopping or Waiting on that Prohibited Verge or Footway 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.

4.3 Nothing in Article 5.1 to this Order shall render it unlawful to cause or permit any vehicle to Stop or Wait in any Prohibited Verge or Footway for so long as it may be necessary to enable an Emergency Vehicle to be used in the course of an Emergency.

4.4 Nothing in Article 5.1 of this Order shall apply to a vehicle Stopping or Waiting on any Prohibited Verge or Footway while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is opened or closed, if it is not reasonably practicable for the vehicle to Stop or Wait otherwise than on that Prohibited Verge or Footway.

4.5 Nothing in Article 5.1 to this Order shall render it unlawful to cause or permit any vehicle to Stop or Wait on any Prohibited Verge or Footway 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 or Wait so as to prevent an accident; or

c) is prevented from proceeding by circumstances outside their control.

**5**            **Prohibition of Stopping or Waiting on Verges and Footways**

5.1            Save as provided in Articles 4.1, 4.2, 4.3, 4.4 and 4.5 of this Order no person shall, except upon the direction or with the permission of a Police Officer in uniform or of a Civil Enforcement Officer in uniform cause or permit any vehicle (and/or drawn Trailer) to Stop or Wait on the Prohibited Verges or Footways.

## SCHEDULE 1 - Revocations

The Borough of North East Lincolnshire (Prohibition of Stopping on Footway or Verge)  
(Waltham) (No. 14-33C) Order 2014.

## SCHEDULE 2

### “Prohibition of Stopping on Verges and Footways”

All lengths of adopted road within the area of the village of Waltham to the extent shaded yellow on the Plan attached to this Order.

## SCHEDULE 3

### “Verge & Footway Parking Prohibition Exemption”

All roads within the area of the village of Waltham, coloured red on the Plan attached to this Order and listed in the table below;

Street	Section
Salisbury Avenue, Waltham	For the most part excluding the section between its junction with Barnoldby Road, and the south-eastern boundary of 6 Salisbury Avenue where the verge parking restriction still applies
Salisbury Drive, Waltham	The full length.
Brian Avenue, Waltham	The full length.
Laburnham Avenue, Waltham	The full length.
Laburnham Close, Waltham	The full length.
Cheesemans Close, Waltham	The full length.
Cheesemans Lane, Waltham	For the most part excluding the section between its junction with Skinners Lane, and the north-western boundary of 8 Cheesemans Lane where the verge parking restriction still applies
Elm Road, Waltham	The full length.
Greenway, Waltham	The full length.
Mill Close, Waltham	The full extent of the turning head at the most south-western end of Mill Close, commencing and concluding at the shared boundary of 4 and 5 Mill Close

**THE COMMON SEAL OF THE  
NORTH EAST LINCOLNSHIRE  
BOROUGH COUNCIL**

was hereunto affixed this

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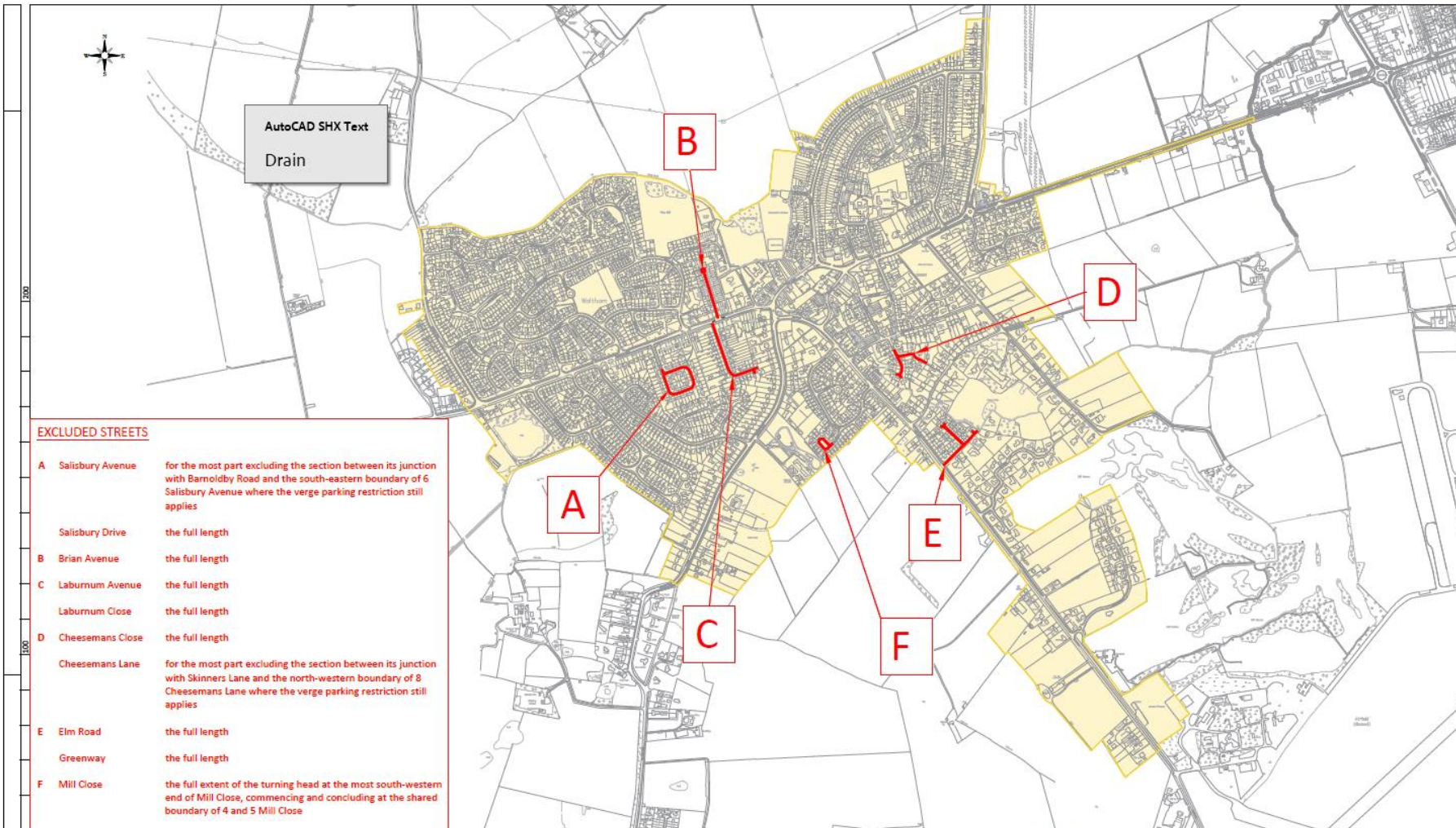


Sealed By: Legal Team  
Sealed Time: 25-11-2024

Signed by:

*K. Thompson*

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**EXCLUDED STREETS**

- A** Salisbury Avenue for the most part excluding the section between its junction with Barnoldby Road and the south-eastern boundary of 6 Salisbury Avenue where the verge parking restriction still applies
- Salisbury Drive the full length
- B** Brian Avenue the full length
- C** Laburnum Avenue the full length
- Laburnum Close the full length
- D** Cheesemans Close the full length
- Cheesemans Lane for the most part excluding the section between its junction with Skinners Lane and the north-western boundary of 8 Cheesemans Lane where the verge parking restriction still applies
- E** Elm Road the full length
- Greenway the full length
- F** Mill Close the full extent of the turning head at the most south-western end of Mill Close, commencing and concluding at the shared boundary of 4 and 5 Mill Close

A	Amendments to excluded areas and schedule text as requested by legal team	CW	09 10 24
Letter	Amendment	Drawn	Date
DRAWING STATUS: DRAFT ISSUE			

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CLIENT: North East Lincolnshire Council

PROJECT: Prohibition of stopping and waiting on Verge or Footway

TITLE: WALTHAM  
 Extent of Restrictions (coloured yellow) excluded streets in red

DRAWN: SD	APPROVED: NW	SCHEME REF:
DATE: 01 08 24	DATE: 01 08 24	DRAWING NO.:
ORIGINAL SIZE: A3 (297 x 420)	SCALE: 1 : 12500	TR24-08A-001A

Signed by:  
*K. Thompson*