

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



**The North East Lincolnshire Borough Council
(24 Hour Clearway)
(B1219 Station Road, New Waltham & Waltham)
(No. 24-08C) 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 of 1984') as amended, 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 North East Lincolnshire Borough Council (24 Hour Clearway) (B1219 Station Road, New Waltham & Waltham) (No. 24-08C) 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;

“Bus” means a public transport bus service based on a regular operation of transit buses along a route calling at bus stops according to a published public transport timetable;

“Bus Stop” means a location on the carriageway where buses Stop to allow passengers to board or alight the bus vehicle according to a published public transport timetable;

“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 on the Carriageway, means the person driving the vehicle at the time it was left Stopped on a Prohibited Road 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;

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

“Prohibited Road” means any of the sides or lengths of roads specified in Schedule 2 and as shown indicatively on The Plans where Stopping 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.

- 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 Stopping 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**

3.1 Those Orders listed in Schedule 1 shall from the date this Order comes into operation be revoked in part so that the said Order shall not impose any restriction on the lengths of roads as described in Schedule 1.

4 **Exemptions**

4.1 Nothing in Article 5.1 to this Order shall render it unlawful to cause or permit any vehicle to Stop in any of the Prohibited Roads 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 Prohibited Roads 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 to this Order shall render it unlawful to cause or permit any vehicle to Stop in any of the Prohibited Roads 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 Council in pursuance of statutory powers or duties.

4.3 Nothing in Article 5.1 to this Order shall render it unlawful to cause or permit any vehicle to Stop in any of the Prohibited Roads 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 to this Order shall render it unlawful to cause or permit any vehicle to Stop in any of the Prohibited Roads 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 is permitted to Stop 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.

4.5 Nothing in Article 5.1 of this Order shall apply so as to prevent any person from causing or permitting any vehicle to Stop in any of the Prohibited Roads 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.

4.6 Nothing in Article 5.1 of this Order shall apply to a vehicle Stopping in any of the Prohibited Roads 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 otherwise than on that Prohibited Road.

4.7 Nothing in Article 5.1 of this Order shall apply to a Bus Stopping at a Bus Stop located on a Prohibited Road.

5 Prohibition of Stopping – 24-hour Rural Clearway

5.1 Save as provided in Articles 4.1, 4.2, 4.3, 4.4, 4.5, 4.6 and 4.7 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 in the Prohibited Roads.

SCHEDULE 1 - Revocations

“Prohibition of Stopping: 24-hour Rural Clearway”

The North East Lincolnshire Borough Council (Prohibition and Restriction of Waiting, Clearways and On Street Parking) (Consolidation) Order 2010.

<u>ROAD</u>	<u>SIDE</u>	<u>EXTENT</u>
B1219 Station Road, New Waltham	BOTH	From the extended south-western kerb line of A16 Louth Road in a south-westerly direction for a distance of 397 metres.

SCHEDULE 2

“Prohibition of Stopping: 24-hour Rural Clearway”

<u>ROAD</u>	<u>SIDE</u>	<u>EXTENT</u>
B1219 Station Road, Waltham & New Waltham	BOTH	From the extended south-western kerb line of A16 Louth Road to the extended eastern kerb line of B1203 Grimsby Road.

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

was hereunto affixed this

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Sealed By: Legal Team
Sealed Time: 31-10-2024 | 15:28 GMT

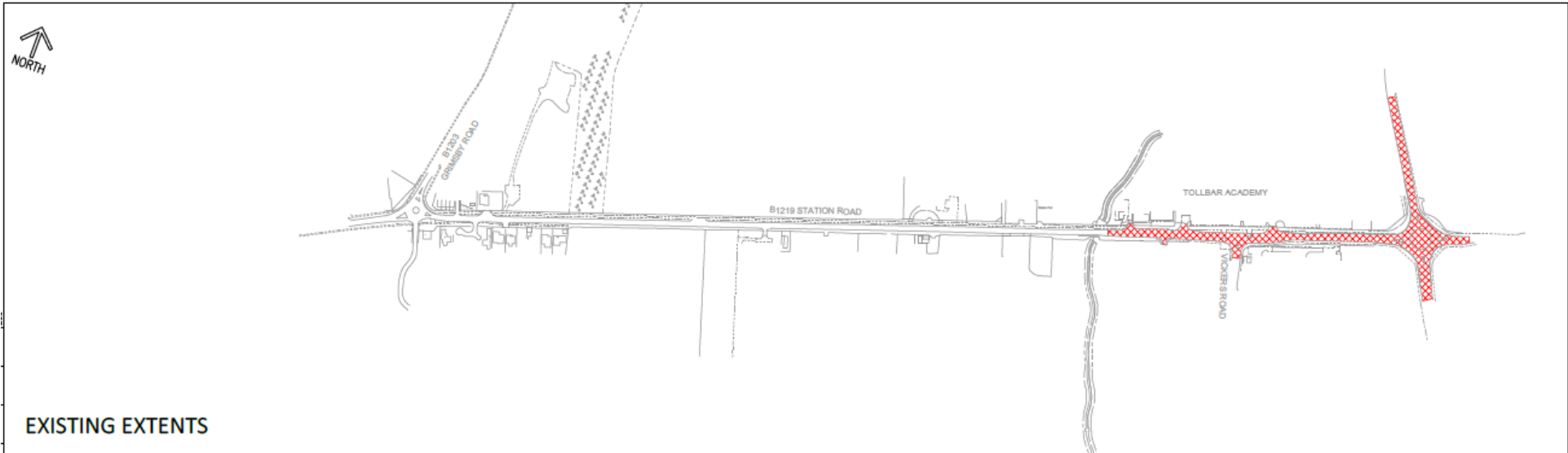
Sign by:

Hannah Steer

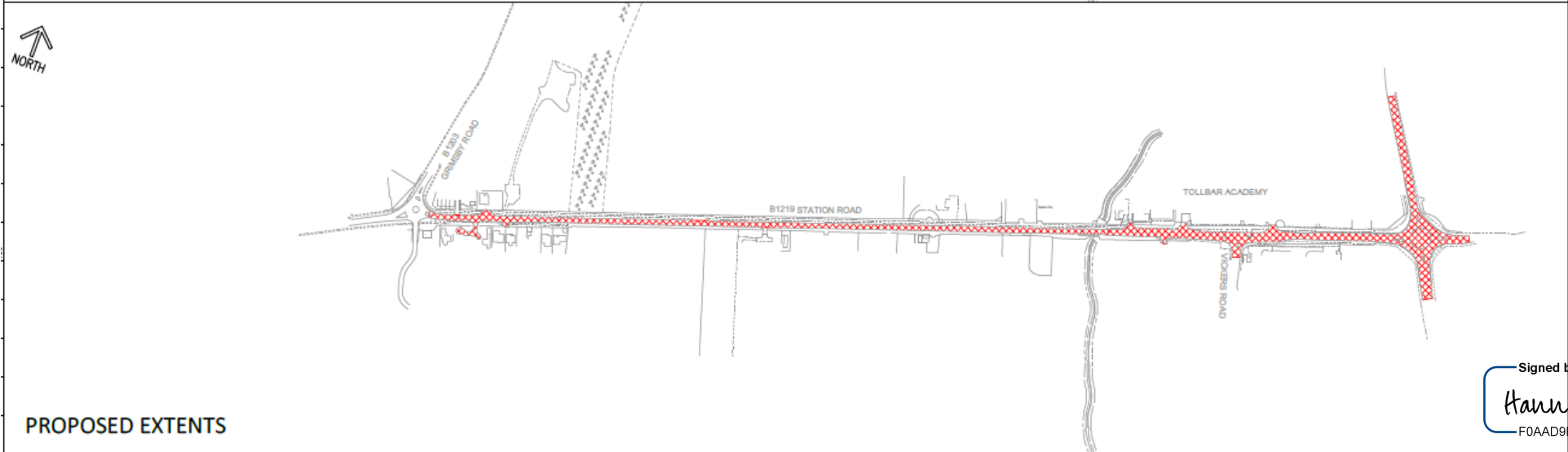
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In the presence of

THE PLANS



EXISTING EXTENTS






PROPOSED EXTENTS

Signed by:

Hannah Steer

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 CLEARWAY RESTRICTION				  <p>Working in Partnership</p> <p>New Oxford House, George Street, Grimby, North East Lincolnshire, DN31 1RB Tel: 01472 313131</p>		PROJECT		Station Road, New Waltham/Waltham													
<table border="1"> <tr> <td>B</td> <td>Amended to show full length of Station Road</td> <td>12 09 24</td> <td>OA</td> </tr> <tr> <td>A</td> <td>Amended to allow interpretation in black and white</td> <td>18 07 24</td> <td>OA</td> </tr> <tr> <td>Letter</td> <td>Amendment</td> <td>Drawn</td> <td>Date</td> </tr> </table>		B	Amended to show full length of Station Road			12 09 24	OA	A	Amended to allow interpretation in black and white	18 07 24	OA	Letter	Amendment	Drawn	Date	DRAWING STATUS		CONSTRUCTION ISSUE		TITLE	
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<p>Mapping material in this plot has been reproduced from the Ordnance Survey Digital Data with the permission of the Controller of HMSO (c) Crown Copyright Reserved 1996, Licence No 100020759 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.</p>				CLIENT		DRAWN		APPROVED		SCHEME REF											
				North East Lincolnshire Council		DATE		DATE		DRAWING NO.											
						10 07 24		10 07 24		TR24-08-02-B											
						ORIGINAL SIZE		SCALE													
						A3 (297 x 420)		1 : 2500													