

**DACORUM BOROUGH COUNCIL
TRAFFIC REGULATION ORDER**

**THE BOROUGH OF DACORUM
(VARIOUS ROADS, THE DENES, HEMEL HEMPSTEAD)
(WAITING RESTRICTIONS)
ORDER 2023**

Dacorum Borough Council, pursuant to arrangements made under Section 19 Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 with the Hertfordshire County Council, and in exercise of powers conferred on that County under sections 1, 2, 3, 4, 5, 32, 33, 35, 36, 37 & 47 of Part I and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officers of Police in accordance with Part III of Schedule 9 to the aforementioned 1984 Act, proposes to make the above Order:

The effect of the Order is to introduce the following waiting restrictions at and on various roads in the vicinity of The Denes, Hemel Hempstead:

- 1) Additional No Waiting at Any Time (double yellow line) restrictions on Pinecroft, The Denes, Barnacres Road and Georgewood Road**
- 2) Making the existing 2 advisory Disabled Parking Bays in The Denes mandatory at any time.**
- 3) Making the existing limited waiting bays in The Denes time restricted to Monday to Sunday 08:00-19:00, 2 hours no return within 2 hours.**

Documents giving more detailed particulars of the proposals may be inspected at the offices of Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, Hertfordshire HP1 1DN, during normal office hours. Electronic copies of the proposed Order, a statement of reasons for proposing to make the Order and drawings showing details of the proposals are available for inspection online at

<https://www.dacorum.gov.uk/home/community-living/parking-and-travel/waiting-restrictions> under the title “New DBC Traffic Regulation Orders” or on request by contacting parking@dacorum.co.uk until the end of six weeks from the date on which the Order is made or, as the case may be, the Council decides not to make all or part of the Order.

General enquiries relating to the proposal should be referred to the Traffic Management Team at ADL Traffic and Highways Ltd (Tel: 01454 332100). Objections to the proposal together with the grounds on which they are made must be sent in writing to the Traffic Management Team, ADL Traffic and Highways Ltd, ADL House, Oaklands Business Park, Armstrong Way, Yate, Bristol BS37 5NA, or by email to info@adltraffic.co.uk. The deadline for the receipt of objections is **12:00 noon on Wednesday 22nd March 2023**. Representations of support will also be received during this time.

Consulting on this scheme is a statutory duty of the Borough Council. Data from this consultation will be collected and held and processed by ADL Traffic and Highways Ltd and Dacorum Borough Council and may be shared with DBC Officers and Borough Councillors. The data will be used to produce a consultation report and to provide feedback to Councillors. Individual respondents will not be identified in the consultation report without permission. The consultation report will be a public document. Link to view Dacorum Council's privacy policy: <http://www.dacorum.gov.uk/home/open-data/personal-information>

Dan Rodger,
Parking Services Team Leader, Dacorum Borough Council,
The Forum, Marlowes, Hemel Hempstead, HP1 1DN

Wednesday 1st March 2023

ROAD TRAFFIC REGULATION ACT 1984

DACORUM BOROUGH COUNCIL TRAFFIC REGULATION ORDER

THE BOROUGH OF DACORUM (VARIOUS ROADS, THE DENES, HEMEL HEMPSTEAD) (WAITING RESTRICTIONS) ORDER 2023

Dacorum Borough Council, pursuant to arrangements made under Section 19 Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 with the Hertfordshire County Council, and in exercise of powers conferred on that County under sections 1, 2, 3, 4, 5, 32, 33, 35, 36, 37 & 47 of Part I and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and of all other enabling powers, and after consultation with the Chief Officers of Police in accordance with Part III of Schedule 9 to the aforementioned 1984 Act, makes the following Order:

PART ONE - INTRODUCTION

CITATION

- 1.1** This Order shall come into operation on 2023 and may be cited as 'DACORUM BOROUGH COUNCIL TRAFFIC REGULATION ORDER THE BOROUGH OF DACORUM (VARIOUS ROADS, THE DENES, HEMEL HEMPSTEAD) (WAITING RESTRICTIONS) ORDER 2023

INTERPRETATION

- 1.2** In this Order, except where otherwise stated, any reference to an Article or Schedule shall be construed as a reference to that Article or schedule in this Order.
- 1.3** In this Order any reference to an Act, Statutory Instrument, Regulation or Order shall be construed as a reference to that Act, Statutory Instrument or Order as amended.
- 1.4** In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"Carriageway" has the same meaning as in section 329(1) of the Highways Act 1980.

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

“Civil Enforcement Officer (Parking)” means a person authorised by or on behalf of the Council to supervise any parking place and who is appointed by the Dacorum Borough Council under section 76 of the Traffic Management Act 2004;

“Disabled Persons Badge” has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) 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 or restricted waiting area, means the person driving the vehicle at the time it was left in the parking place or restricted waiting area;

“Electronic Communications Network” has the same meaning as in the Communications Act 2003;

“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 enactment;

“Goods” means goods of any kind whether animate or inanimate and includes postal packets of any description; and “delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;

“Goods Carrying Vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

“Light Goods Vehicle” means Motor Vehicle, the maximum gross weight of which does not exceed 3.5 tonnes, which is constructed or adapted for use for the carriage of goods or burden of any description, and is drawing a trailer;

“Motor Vehicle” has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984;

“Motorcycle/s” has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984;

“Hand-Held Device” means a wireless hand-held computer used by a civil enforcement officer (parking), which is programmed to interface with the council’s parking permits management system and electronic payment system;

“Owner”, in relation to a vehicle’ means the person by whom such a vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 is presumed, unless the contrary is proved, to be the person in whose name the vehicle is registered;

“Parking Bay” means any parking area within a parking place for the use of one vehicle at a time;

“Parking Place” means any area on a highway designated as a parking place by this Order;

“Passenger Vehicle” means a motor vehicle (other than a motor-cycle or invalid carriage) constructed or adapted solely for the carriage of not more than eight passengers (exclusive of the driver) and their effects and not drawing a trailer;

“Penalty Charge” has the same meaning as in Part 6 of the Traffic Management Act 2004;

“Permitted Hours”, in relation to a parking place, means the days and hours of operation specified in columns 4 and 5 respectively in Schedule 2 in relation to the parking places specified in columns 1 to 3 of that Schedule;

- (2) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
- (3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (4) For the purposes of this Order a vehicle shall be regarded as displaying a disabled persons badge in the relevant position when it is so regarded for the purposes of Regulation 4(1) of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

PART TWO – PROHIBITION OF WAITING

NO WAITING AT ANY TIME

- 2.1 No person shall cause or permit any vehicle to wait at any time in the lengths of road specified in Columns 1, 2 and 3 in Schedule 1 to this Order.

PART THREE – PARKING PLACES

DESIGNATION OF PARKING PLACES

- 3.1 Each length of road/parking place specified in columns 1, 2 and 3 of Schedule 2 having a width as indicated by the road markings, or in the case of signed only areas a width that extends across the whole side of the carriageway, is designated as a Parking Place.
- 3.2 Each length of road/parking place referred to in Schedule 3 may be used for the leaving of such vehicles of the class specified in paragraph (1) above that

being a disabled person's vehicle or displaying a valid disabled person's badge in the manner specified in specified in Article 2 (4)

USE OF PARKING PLACES

- 3.2 A vehicle left in a Parking Place must be parked wholly within the boundary of that Parking Place.
- 3.3 No vehicle left in a Parking Place shall be in a position which prevents access to any premises, or which obstructs other road users.
- 3.4 The driver of a Motor Vehicle using a Parking Place must stop the engine as soon as the vehicle is in position and must not start the engine except to change the position of the vehicle or depart from the Parking Place.
- 3.5 Unless the prior written consent of the Council is obtained no vehicle left in a Parking Place shall be used in connection with the sale of any goods or services except where goods (including postal parcels) are being delivered to any premises in the immediate area.

SUSPENSION OF PARKING PLACES

- 3.6 The Council or any person so authorised by the Council may suspend or revoke the use of any Parking Place or part of a Parking Place without prior notice.
- 3.7 No person shall cause or permit any vehicle to wait in a Parking Place which has been suspended.

REMOVAL OF VEHICLES

- 3.8 Where a vehicle is in contravention of Article 3.3 or Article 3.7 the Council or any person so authorised by the Council or a police officer or Civil Enforcement Officer in uniform may remove the vehicle or arrange for the vehicle to be removed from the Parking Place in any manner as they consider necessary.
- 3.9 Any person removing or arranging for a vehicle to be removed under Article 3.8 must make such arrangement as reasonably necessary for the reasonable safe custody of that vehicle.

LIMITED WAITING

- 3.10 No person shall cause or permit any vehicle to wait in the Parking Places specified in columns 1, 2, and 3 of Schedule 2 during the hours specified in column 4 of Schedule 2 for longer than the period of time specified in column 5 of Schedule 2.
- 3.11 No person shall cause or permit any vehicle waiting in the Parking Places specified in columns 1, 2 and 3 of Schedule 2 during the hours specified in

column 4 of Schedule 2 to return to the same Parking Place within the period of time specified in column 6 of Schedule 2.

DISABLED PERSONS PARKING PLACES

- 3.12** Those lengths of The Denes, Hemel Hempstead specified in columns 1, 2 & 3 of Schedule 3 to this Order are designated as disabled persons parking places, for use by disabled person vehicles between Monday to Sunday inclusive.
- 3.13** Save as provided in Article 4.1 and 4.4 of this Order, the driver of a vehicle shall not permit the vehicle to wait in that parking place unless it is: -
- (a) a disabled persons vehicle on which is displayed in the relevant position a disabled person badge and parking disc; and
 - (b) wholly parked within the marked limits of the parking place

CONTRAVENTION

- 3.14** If a vehicle is left in a parking place without complying with the provisions of this Order, then a contravention of, or failure to comply with, the provisions of this Order shall be deemed to have occurred and the owner of the vehicle in question shall be liable for a penalty charge as set by the Council in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004.

PART FOUR - EXEMPTIONS

GENERAL EXEMPTIONS

- 4.1** Nothing in this Order shall prohibit any vehicle from waiting for as long as reasonably necessary in the following circumstances:
- a) Anything done with the permission of or at the direction of a Police Constable in uniform; or with the permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Dacorum Borough Council;
 - b) A vehicle being used for Fire and Rescue, Ambulance or Police purposes;
 - c) To prevent a road traffic collision
 - d) The vehicle cannot be moved due to an unavoidable breakdown
 - e) The vehicle, not being a Passenger Vehicle, is stopped or waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of any building operation, demolition or excavation or the maintenance, improvement or reconstruction of any said lengths of road or the laying erection, alteration, removal or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic line or traffic sign in any said lengths of road
 - f) The vehicle, not being a Passenger Vehicle, is in actual use in connection with the removal of furniture from one office or dwelling house to another or

the removal of furniture from such premises to a depository or to such premises from a depository, provided that notice is given twenty-four hours in advance to the Council and their consent is obtained and any conditions imposed are complied with

- g) The vehicle is being used for the purpose of delivering or collecting postal packets

PROHIBITION OF WAITING EXEMPTIONS

4.2 Nothing in Article 2.1 shall apply to a vehicle waiting for as long as necessary in the following circumstances:

- a) The vehicle is waiting for the purposes of loading or unloading that vehicle, provided the loading/unloading is continuous and being undertaken in a timely manner, the goods being loaded/unloaded cannot be reasonably carried other than by means of a vehicle, the vehicle is waiting adjacent to where the goods are being loaded/unloaded from/to and the length of time the vehicle is waiting for is reasonable
- b) To allow the picking up or setting down of passengers
- c) The vehicle is a cleaning or refuse vehicle collecting rubbish in the immediate vicinity
- d) The vehicle is waiting for the purpose of removing an obstruction to traffic
- e) The vehicle is a liveried utility company being used in connection with works of that utility in the immediate vicinity
- f) The vehicle is a Disabled Persons Vehicle, provided the vehicle does not wait for longer than three hours and at least one hour has elapsed following a previous period of waiting by the vehicle in the same road or part of a road
- g) The vehicle is displaying a valid Temporary Parking Restriction Dispensation Permit issued by the Council

LIMITED WAITING EXEMPTIONS

4.3 Nothing in Articles 3.10 and 3.11 shall apply to a vehicle waiting for as long as necessary in the following circumstances:

- a) The vehicle is a Disabled Persons Vehicle
- b) The vehicle is a cleaning or refuse vehicle collecting rubbish in the immediate vicinity
- c) The vehicle is a liveried utility company vehicle being used in connection with works of that utility in the immediate vicinity
- d) The vehicle is a wedding car or hearse and is being used in connection with a wedding or funeral cortege in the immediate vicinity
- e) The vehicle is displaying a valid Temporary Parking Restriction Dispensation Permit issued by the Council

DISABLED PERSONS PARKING PLACES EXEMPTIONS

4.4 Nothing in Articles 3.12 and 3.13 shall apply to a vehicle waiting for as long as necessary in the following circumstances: in relation to: -

- (a) A vehicle being used for Fire and Rescue, Ambulance or Police purposes;
- (b) Anything done with the permission of or at the direction of a Police Constable in uniform; or with the permission of a Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Dacorum Borough Council;
- (c) A vehicle which is prevented from proceeding by circumstances beyond the drivers control or which has stopped in order to avoid injury or damage to persons or property or when it is required to do so by law;
- (d) A vehicle which is stationary in order that it may be used for one or more of the purposes specified in Article 4.5 below and which cannot reasonably be used for such a purpose without stopping in the restricted area; or
- (e) A marked vehicle which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be delivered or collected.

4.5 The purposes referred to in Article 4.4(d) are –

- (a) Any operation involving building, demolition or excavation;
- (b) The removal of any obstruction to traffic;
- (c) The maintenance, improvement or reconstruction of a road;
- (d) Constructing, improving, maintaining, or cleaning of any street furniture; or
- (e) The laying, erection, alteration, repair, or cleaning of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position.

4.6 In Article 4.4(e), the expressions ‘universal service provider’, ‘provision of a universal postal service’ and ‘postal packet’ shall bear the same meanings as in the Postal Services Act 2000.

PART FIVE – CONTRAVENTIONS AND REVOCATIONS

CONTRAVENTION

5.1 Any person or vehicle failing to comply with the provisions of this Order, shall be in contravention of or failure to comply with it and the owner of the vehicle in question shall be liable for a penalty charge as set by the Council in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004.

REVOCATIONS

5.2 In accordance with Part IV of Schedule 9 of the 1984 Act, the following Orders, relating to the specific waiting restriction extents described in the schedule to this Order are to be revoked as specified in the sub-Articles that follow:

- (a) The Borough of Dacorum (Various Roads) Prohibition and Restriction of Waiting (No.1) Order 1994 – for the following extents as described in Schedule 3 to this Order:

Schedule 3 – Parking bays for the use of disabled drivers	
Road	Description
The Denes Nash Mills Hemel Hempstead	2 bays on the north west side outside No.s 4 & 5 The Denes

- (b) The Hertfordshire (Various Roads) Berkhamsted, Hemel Hempstead, Tring & Bovington) (Restriction of Waiting) Order 2009 – for the following extents as described in The Schedule to this Order:

Schedule – Lengths of various roads, Berkhamsted, Hemel Hempstead, Tring and Bovington – no waiting at any time	
Road	Description
Hemel Hempstead Barnacres Road (North West side)	From its junction with the north east kerbline of Pinecroft north eastwards for a distance of 16 metres
Hemel Hempstead Pinecroft (South West side)	From its junction with the north west kerbline of Barnacres Road north westwards for approximately 26 metres to a point in line with the boundary between 35/36 & 37/38 Pinecroft
Hemel Hempstead Pinecroft (North East side)	From its junction with the north west kerbline of Barnacres Road north westwards for a distance of 16 metres.

Schedule

Schedule 1 – Prohibition of Waiting at Any Time (Double Yellow Line) Restrictions		
Road	Side	Description
Barnacres Road	West	From its junction with The Denes to its junction with Pinecroft
Barnacres Road	East	From its junction with Georgewood Road in a north easterly direction for a distance of 15m
Barnacres Road	East	From its junction with Georgewood Road in a south westerly direction for a distance of 10m.
Georgewood Road	North	From its junction with Barnacres Road in an easterly direction for a distance of 50m
Georgewood Road	South	From its junction with Barnacres Road in an easterly direction for a distance of 53m
Pinecroft	North	From its junction with Barnacres Road in a north westerly direction to its junction with The Denes (a distance of 20m)
Pinecroft	North	From its junction with The Denes in a westerly direction for a distance of 12m
Pinecroft	South	From its junction with Barnacres Road in a north westerly direction for a distance of 24m
The Denes	North	From its junction with Barnacres Road in a westerly direction for a distance of 22m
The Denes	South	From its junction with Barnacres Road in a westerly direction for a distance of 21m

Schedule 2 – Limited Waiting (Marked Bay) Restrictions					
Road	Side	Description	Restricted hours	Maximum Stay	No Return
The Denes	North West	6 echelon bays - From a point 22m west of its junction with Barnacres Road for a distance of 18m in a south-westerly direction	Monday to Sunday 08:00-19:00	2 hours	2 hours
The Denes	North West	5 echelon bays - From a point 49m south west of its junction with Barnacres Road for a distance of 16m in a south-westerly direction	Monday to Sunday 08:00-19:00	2 hours	2 hours
The Denes	South East	11 echelon bays - From a point 21m west of its junction with Barnacres Road for a distance of 36m in a south-westerly direction	Monday to Sunday 08:00-19:00	2 hours	2 hours

Schedule 3 – Disabled Parking bays			
Road	Side	Description	Restricted hours
The Denes	North West	2 echelon bays - From a point 40m south west of its junction with Barnacres Road for a distance of 9m in a south-westerly direction	Monday to Sunday 24hrs

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STATEMENT OF REASONS

THE BOROUGH OF DACORUM (VARIOUS ROADS, THE DENES, HEMEL HEMPSTEAD) (WAITING RESTRICTIONS) ORDER 2023

Proposals

The effect of the above proposed Order is to introduce the following waiting restrictions at and on various roads in the vicinity of The Denes, Hemel Hempstead:

- 1) Additional 'No Waiting at Any Time' restrictions on Pinecroft, The Denes, Barnacres Road and Georgewood Road
- 2) Making the existing 2 advisory Disabled Parking Bays in The Denes mandatory at any time.
- 3) Making the existing limited waiting bays in The Denes time restricted to Monday to Sunday 08:00-19:00, 2 hours no return within 2 hours.

Reasons

The proposed restrictions are in response to concerns raised with regards to vehicles being left in the unrestricted bays within The Denes for long periods, reducing the number of available spaces which often leads to queuing onto Pinecroft and Barnacres Road.

These measures are also being proposed for the following reasons:

- To prevent inconsiderate parking on junctions, bends and visibility splays.
- To encourage the turnover of spaces in the parking bays outside of the shops in The Denes whilst still allowing residents to park here overnight from 7pm if required.
- To ensure that the disabled spaces within The Denes are enforceable.

Road Traffic Regulation Act 1984

The specific grounds with which the Council are using for the implementation of the proposed scheme as above are encompassed in the following sections of the Road Traffic Regulation Act 1984 for making a Traffic Regulation Order:

- Section 1 (a) 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.
- Section 1 (c) For facilitating the passage on the road or any other road of any class of traffic (including pedestrians).
- Section 1 (f) for preserving or improving the amenities of the area through which the road runs.

Thorough consideration was also given to the factors set out in Section 122 of the Road Traffic Regulation Act 1984 in proposing this Traffic Regulation Order which include:

- Section 122(2)(a) Securing and maintaining reasonable access to premises
- Section 122(2)(c) Facilitating the passage of public service vehicles

Traffic Signs Regulations and General Directions 2016 and Traffic Signs Manual Chapter 3

All of the associated signing and lining will be in accordance with the Traffic Signs Regulations and General Directions 2016 and Traffic Signs Manual Chapter 3.

Equality Act 2010

Thorough consideration has been given to the equalities duty of the Council under Section 149 of the Equality Act 2010.

Residents and Statutory Consultations

Residents of The Denes, sections of Barnacres Road and Pinecroft have been consulted on the proposals in August/September 2022 - 2 Objections were received The consultation process and objections were summarised in a report which was subsequently reviewed by the Portfolio Holder and Local Councillors and the decision was made to continue with the proposals slightly extended to cover the bend on Georgewood Road.

Consultation on this proposal has also previously been carried out with Statutory Consultees, including The Police, Emergency Services, Freight Transport Association, Road Haulage Association, and the local stakeholders in August 2022. No objections were raised.

A Public Consultation (Notice of Proposal) process is now due to take place, hence the publication of these documents.

Dan Rodger,
Parking Services Team Leader, Dacorum Borough Council
2023

Wednesday 1st March 2023