

Parking Consultation

THE KENT COUNTY COUNCIL (Springhead Enterprise Park, GRAVESHAM)
(No Waiting for Heavy Goods Vehicles RESTRICTIONS) EXPERIMENTAL
ORDER 2021
Road Traffic Regulation Act 1984

Documents on Deposit

**These documents should remain
available for public inspection
until 24 May 2022**

In the Borough of Gravesham

Please return to:
PARKING SERVICE DEPARTMENT
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

**PUBLIC
NOTICE**



Public Notice In the Borough of Gravesham

THE KENT COUNTY COUNCIL (SPRINGHEAD ENTERPRISE PARK, GRAVESHAM) (NO WAITING FOR HEAVY GOODS VEHICLES RESTRICTIONS) EXPERIMENTAL ORDER 2021

NOTICE is hereby given that the Kent County Council has made the above-named Order under Sections 9, 10, 122 (1) and (2) of the Road Traffic Regulation Act 1984 ("the Act") as amended and all other enabling powers, the effect of which will be to introduce as an experiment:

1. To introduce a No Waiting for Heavy Goods Vehicles Exceeding 7.5 Tonnes 7pm-7am restriction on Springhead Enterprise Park, Northfleet from its junctions with Springhead Road for its entire length.

A copy of the Order, which will come into effect on 2nd December 2021, together with the statement of the Council's reasons for making the Experimental Order, and a copy of any other Orders which will be amended by this Order may be viewed online at <https://www.gravesham.gov.uk/parking-consultations>.

The Order provides that in pursuance of section 10(2) of the Act, the specified officer may, if it appears essential in the interests of the expeditious, convenient and safe movement of traffic on the highway or for preserving or improving the amenities of the area through which any road affected by the Order runs, modify or suspend the Order or any of its provisions.

The Order is to be on an experimental basis for a maximum period of 18 months and the Council will be considering in due course whether the provisions of the Experimental Order should be continued in force indefinitely by means of a Permanent Order. Any person may object to the making of the Permanent Order for the purpose of such indefinite continuation within a period of six months beginning with the day on which the above-mentioned Experimental Order came into operation or, if the Experimental Order is subsequently varied or modified by other Orders, beginning with the day on which the latest variation or modification came into operation. Any such objection and other representations to the Experimental Order must be made in writing stating the grounds on which they are made and sent to the council. This can be done either:

- a. by email to parking.consultation@gravesham.gov.uk; or
- b. by writing to the Parking Services Manager, Gravesham Borough Council, Parking Services Department, Civic Centre, Windmill Street, Gravesend, DA12 1AU

Nicholas May
Parking Services Manager
Gravesham Borough Council

25th November 2021



**THE KENT COUNTY COUNCIL
(SPRINGHEAD ENTERPRISE PARK, GRAVESHAM) (NO WAITING FOR HEAVY GOODS VEHICLES RESTRICTIONS)
EXPERIMENTAL ORDER 2021**

STATEMENT OF REASONS

Location	Proposals	Reason
Springhead Enterprise Park	Introduce a No Waiting for Heavy Goods Vehicles Exceeding 7.5 Tonnes 7pm-7am restriction	To facilitate the passage on this road by better managing parking availability.

THE KENT COUNTY COUNCIL
(SPRINGHEAD ENTERPRISE PARK, GRAVESHAM)
(NO WAITING FOR HEAVY GOODS VEHICLES RESTRICTIONS)
EXPERIMENTAL ORDER 2021

Road Traffic Regulation Act, 1984

The Kent County Council, acting as the Local Traffic Authority and in exercise of their powers under Sections 9, 10, 122 (1) and (2) of the Road Traffic Regulation Act 1984 ("the RTRA 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 RTRA 1984, hereby make the following Order:

1. The Order shall come into operation on 2nd day of December 2021 and may be cited as "The Kent County Council (Springhead Enterprise Park, Gravesham) (No Waiting for Heavy Goods Vehicles Restrictions) Experimental Order 2021" ('this Order').
2. Unless this Order is revoked or made permanent by a subsequent Order, this Order shall cease to have effect on 2nd May 2023.
3. The authorised officer of Kent County Council pursuant to section 10(2) of the RTRA 1984, may if it appears essential in the interests of the expeditious, convenient and safe movement of traffic on the highway, or in the interests of providing suitable and adequate on-street parking facilities or for preserving or improving the amenities of the area through which any road affected by the order runs, modify or suspend the operation of this Order or any of its provisions.
4. The Interpretation Act 1978 shall apply to this Order as it applies for the interpretation of an Act of Parliament.
5. For the purposes of this Order except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

Expression

Meaning

"The 2021 Order"

means The Kent County Council (Various Roads, Gravesham) (Waiting Restrictions and Street Parking Places) (Consolidation) Order 2021;

"the RTRA 1984"

means the Road Traffic Regulation Act 1984;

"the TMA 2004"

means the Traffic Management Act 2004;

"the Regulations"

means the Traffic Signs Regulations and General Directions 2016;

"the Council"

means Kent County Council as Traffic Authority and where appropriate Gravesham Borough Council acting on behalf of the Traffic Authority as an Agent;

"Ambulance"

has the same meaning as in Schedule 2 of the Vehicle Excise and Registration Act (VERA) 1994 - Ambulances and health service vehicles;

Expression

Meaning

"Borough Council"

means Gravesham Borough Council;

"Bus"

has the same meaning as in Schedule 1 of the Regulations (and subsequent legislation), and "Buses" shall be construed accordingly; and type approved by the 'Vehicle Certification Agency' as M2 or M3;

"Bus Stand"

means a length of highway prescribed by and installed in accordance with the Regulations (and subsequent amendments) to be used by Public Service Vehicles to wait to adhere to the published bus timetable;

"Civil Enforcement Area"

means an area where civil enforcement of highway regulations can be carried out, as defined in the TMA 2004;

"Civil Enforcement Officer", "CEO"
and "Parking Attendant"

have the same meaning as in section 63A of the RTRA 1984 and by virtue of section 76 of the TMA 2004, where a Parking Attendant appointed under section 63A of the RTRA 1984 is a Civil Enforcement Officer (CEO) in relation to parking Contraventions;

"Commercial Vehicle" or "Goods
Vehicle"

have the same meanings as "motor vehicle" in Section 136 of the RTRA 1984 and relating provisions which is constructed itself to carry a load; and type approved by the 'Vehicle Certification Agency' as N1, N2 or N3;

"Contravention"

means any breach of the provisions herein contained;

"Current"

in relation to a Vehicle licence means valid on the relevant date;

"Delivering" and "Collecting"

in relation to any Goods include checking the Goods for the purpose of their delivery or collection;

"Designated Parking Place"

means a Parking Place designated by an Order made under Section 32 of the RTRA 1984;

"Exemption"

means an exemption of the types described within this Order for specific users;

"Fire Engine"

has the same meaning as in Schedule 2 of the Vehicle Excise and Registration Act 1994 - Fire Engines;

"Goods"

means objects too heavy or bulky to be carried very far by hand and this includes postal packets of any description;

Expression

Meaning

"Gravesham"	means the administrative area of the Gravesham Borough Council;
"Heavy Motor Car"	has the same meaning as in Section 136 of the RTRA 1984 and relating provisions;
"Loading/Loaded" and "Unloading/Unloaded"	means commercial Loading/Unloading or the delivery or collection of objects too heavy or bulky (Goods) to be carried very far by hand and where no payment or transaction takes place; and this includes postal packets of any description;
"Loading Bay"	means any length of highway prescribed by The 2021 Order or its amendments to be used for the Loading and Unloading of Goods, subject to the provisions of the Order; and is installed in accordance with the Regulations that is reserved for (Goods Vehicle) Loading/ Unloading;
"Motor Car"	has the same meaning as in section 136 of the RTRA 1984 and relating provisions;
"Owner" and/or "Registered Keeper" (in relation to a Vehicle)	means the person by whom such a Vehicle is kept and used;
"Parking Area"	means any area on a highway designated or authorised and identified as a Parking Area in The 2021 Order or its amendments;
"Parking Place"	means an area on a highway designated or authorised and identified as a Parking Place in The 2021 Order or its amendments;
"Penalty Charge"	means an amount of money payable in the circumstances set out in Articles within this Order and supporting legislation;
"Penalty Charge Notice"	means a notice indicating a Penalty Charge has been incurred served by either attaching it to the Vehicle or by first class post to the DVLA Registered Keeper of the motor Vehicle observed in Contravention of the regulations made by this Order;
"Police Vehicle"	has the same meaning as in Schedule 2 of the Vehicle Excise and Registration Act 1994 - Police vehicles;
"Restricted Hours"	In relation to No waiting for Heavy Goods Vehicles restrictions in a Restricted Road means

Expression

Meaning

- the times when a prohibition or restriction on waiting applies;
- "Restricted Road"
- means the Roads, lengths of Roads or sides of Road (including any footway or verge and the perimeter of any central reservation, roundabout or traffic island) identified as being subject to any prohibition or restriction of waiting for Heavy Goods Vehicles:
Provided that the expression "Restricted Road" shall not for the purposes of this Order include any Designated Parking Place, Loading Bay or Parking Area;
- "Road"
- means the full width - including any footway or verge - of any length of highway or of any other road to which the public has access, and includes bridges over which the road passes;
- "Traffic Sign"
- means a sign of any size, colour and type prescribed or authorised under or having effect as though prescribed or authorised under Section 64 of the RTRA 1984;
- "Vehicle"
- means a motor vehicle or a Trailer and "Motor Vehicle" and "Trailer" have the same meaning as in Section 136 of the RTRA 1984;
6. The effect of this Order is to introduce a No Waiting for Heavy Goods Vehicles Exceeding 7.5 Tonnes 7pm-7am restriction on Springhead Enterprise Park, Northfleet from its junctions with Springhead Road for its entire length.
 7. Except as provided Articles 8 and 9 of this Order, if a Vehicle waits or stops in a Road or part of a Road contrary to any restriction stated in Article 6 of this Order, then a Contravention shall have occurred and a Penalty Charge is payable.
 8. The restrictions imposed by Article 6 of this Order shall not apply in relation to the following Vehicles:
 - (1) a Bus whilst waiting at an authorised bus stop, Bus Stand, bus terminal or bus turning point; or
 - (2) a Vehicle when used for emergency services e.g. those being used for fire brigade, Ambulance or police purposes.
 9. (1) Nothing in Article 6 of this Order shall render it unlawful to cause or permit a Vehicle to wait or remain at rest in any Restricted Road for as long as stated or as may be necessary to enable:
 - (a) a person to board or alight from the Vehicle;
 - (b) postal packets addressed to premises adjacent to any such street in which the Vehicle is waiting to be Unloaded from the Vehicle or having been Unloaded therefrom, to be delivered;

- (c) postal packets to be collected for Loading on the Vehicle from premises or posting boxes in or adjacent to any street in which the Vehicle is waiting or, having been so collected, to be Loaded thereon;
 - (d) the Vehicle, if it cannot conveniently be used for such purpose in any other street or outside of Restricted Hours, to be used in connection with any of the following operations:
 - (i) building or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement, or reconstruction of the any part of the Restricted Road;
 - (iv) cleansing or lighting of any street; or
 - (v) the laying, erection, alteration or repair in or adjacent to any street of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus, or the placing, maintenance or removal of any Traffic Sign;
 - (e) the Vehicle, if it cannot conveniently be used for such purpose in any other Road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - (f) the Vehicle to take in petrol, oil water or air from any garage situated on or adjacent to the Road or any length of Road;
 - (g) the Vehicle to wait at or near to any premises situated on or adjacent to the said sides of Road for so long as is reasonably necessary in connection with any wedding or funeral;
 - (h) any gate or other barrier at the entrance to premises, to which the Vehicle requires access, or from which it has emerged, to be opened or closed; or
 - (i) with the written consent of the Council and such conditions and requirements as they may impose are being complied with.
 - (2) Nothing in this Order shall apply to anything done with the permission or at the direction of a police constable in uniform or a Civil Enforcement Officer or where the person in control of the Vehicle is required by law to stop or wait or remain at rest, or is obliged to do so in order to avoid an accident, or is prevented from proceeding by circumstances beyond their control.
- 10.** Notwithstanding any exception or Exemption contained in this Order, the person in control of a Vehicle waiting during the Restricted Hours in any Restricted Road shall move the Vehicle on the instructions of a police officer in uniform or a Civil Enforcement Officer whenever such moving may be reasonably necessary for the purpose of preventing or removing obstruction.
- 11.** No person shall sell, offer or expose for sale Goods from a Vehicle which is in any Restricted Road unless:
- (1) that person is licensed by the Council to sell Goods from a stationary Vehicle on a pitch in that street and sells Goods from that pitch; or
 - (2) the Goods are immediately delivered at or taken into premises adjacent to the Vehicle from which the sale is affected.

