

THE PORTSMOUTH CITY COUNCIL (CASTLE ROAD) (PEDESTRIAN AND CYCLE ZONE, ONE-WAY TRAFFIC AND AMENDMENTS TO WAITING RESTRICTIONS) (NO. 120) ORDER 2021

The Portsmouth City Council (hereinafter referred to as “the Council”), in exercise of the powers under Sections 1 (1), 2 (2) and 4 of the Road Traffic Regulation Act 1984 (“the 1984 Act”), as amended, the Traffic Management Act 2004 (“the 2004 Act”), the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (“the 2007 Regulations”), of all other enabling powers, and in accordance with Parts III and IV of Schedule 9 to the 1984 Act, hereby makes the following Order:

Citation

1. This Order may be cited as The Portsmouth City Council (Castle Road) (Pedestrian and Cycle Zone, One-Way Traffic and Amendments to Waiting Restrictions) (No.120) Order 2021 and shall come into operation on the DATE.

General

2. In this Order:

'Access' means access required by motor vehicles to premises or land adjacent to a road, such as to a driveway or motor vehicle business;

'Badges Regulations' means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

'Civil Enforcement Officer' means any person authorised by or on behalf of the council to supervise and control parking in the City of Portsmouth and to carry out such other functions as may be conferred by or under any enactment;

'Council' means Portsmouth City Council;

'Cycle' has the same meaning as 'Pedal Cycle' and means a unicycle, bicycle, tricycle, or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the Road Traffic Regulation Act 1984.

“Disabled Person’s Badge” has the same meaning as in section 2 of the Disabled Person’s (Badges for Motor Vehicles) (England) Regulations 2000;

'Disabled Person’s Vehicle' means a vehicle lawfully displaying a disabled person’s badge;

'Motor Vehicle' has the same meaning as in Section 136(1) of the 1984 Act;

'Owner' for the purpose of this order means, in relation to a vehicle, the person who is the registered keeper of the vehicle or who is authorised by the registered keeper to keep and use the vehicle;

'Parking Disc' means a disc issued by the Council, approximately 125 millimetres in diameter or square, coloured blue, and capable of showing the quarter hour period during which a period of waiting begins or other parking device issued by the Council;

'Pedal Cycle' means a unicycle, bicycle, tricycle or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle that is not treated as a motor vehicle for the purposes of the 1984 Act;

'Pedestrian and Cycle Zone' means an area which has been laid out to improve amenity for pedestrians and cyclists, and to which the entry by motor vehicles is prohibited or restricted;

'Penalty Charge' means an additional parking charge set by the council under the provisions of Section 78 of the 2004 Act and has the same meaning as Section 2 of Part 1 of the 2007 Regulations;

'Penalty Charge Notice' means a notice issued by a Civil Enforcement Officer in accordance with the provisions of Section 78 of the 2004 Act and Section 2 of Part 1 of the 2007 Regulations;

'Relevant Position' means

- (a) A vehicle displays a disabled person's badge in the relevant position if it is displayed in the manner prescribed by regulation 12 of the Badges Regulations;
- (b) A vehicle displays a parking permit in the relevant position if –
 - (i) the disc is exhibited on the dashboard or fascia of the vehicle; or
 - (ii) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.

'Road' means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

'Traffic Sign' means a sign prescribed or authorised under the Traffic Signs Regulations and General Directions Order 2016 or any amendment or revision to that Order made in accordance with Section 134(2) of the Act or Section 195(2) of the Road Traffic Act 1988;

3. Except where otherwise stated, any reference in this order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this order.
4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
5. The requirements, prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any requirement, prohibition or restriction imposed by any regulations made or having effect as if made under the 1984 Act, or by any other enactment.

6. The Order specified in Schedule 1 to this Order is hereby varied as specified in that Schedule.

Driving and loading restrictions

7. No person shall, except upon the direction or with the permission of a Police Constable or a Civil Enforcement Officer, cause or permit any vehicle to proceed along the lengths of road and sides of lengths of road specified in Schedule 2, except for access to adjacent land or premises.
8. No person shall, except upon the direction or with the permission of a Police Constable or a Civil Enforcement Officer, cause or permit any vehicle to load or unload in the lengths of road and sides of lengths of road specified in Schedule 3, between the hours of 11am – midnight and midnight – 6am.
9. No person shall, except upon the direction or with the permission of a Police Constable or a Civil Enforcement Officer, cause or permit any vehicle to wait in the length of road and side of length of road specified in Schedule 4, except for the purposes of loading and unloading.
10. No person shall, except upon the direction or with the permission of a Police Constable or a Civil Enforcement Officer, cause or permit any vehicle proceeding in the length of road specified in Column 1 of Schedule 5 to enter the road or length of road specified in Column 2 of the said Schedule.
11. No person shall, except upon the direction or with the permission of a Police Constable or a Civil Enforcement Officer, cause or permit any vehicle to proceed in the length of road specified in Column 1 of Schedule 6 in a direction other than that specified in relation to that length of road in Column 2 of the said Schedule.
12. No person shall, except upon the direction or with the permission of a Police Constable or a Civil Enforcement Officer, cause or permit any Motor Vehicle to proceed in the length of road specified in column 1 of Schedule 7 for the length of road specified in column 2 of the said Schedule.

Exceptions

13. Nothing in Article 7 shall apply to a pedal cycle.
14. Nothing in Article 7 shall render it unlawful to cause or permit any vehicle to wait in the roads and sides of lengths of roads referred to therein for so long as may be necessary to enable:
 - (a) The vehicle to be used for the purposes of loading and unloading between the hours of 6am and 11am on any day;
 - (b) The vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations namely:
 - i. Building, industrial or demolition operations;
 - ii. The removal of any obstruction to traffic;

- iii. The maintenance, improvement or reconstruction of the said side or length of road;
- iv. The laying, erection, alteration or repair in, or in land adjacent to, the said side or length of road of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line;
- (c) 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;
- (d) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
- (e) A vehicle to be used for fire and rescue, ambulance or police purposes;

15. Nothing in Article 8 shall render it unlawful to cause or permit any vehicle to wait in the roads and sides of lengths of roads referred to therein for so long as may be necessary to enable:

- (a) The vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations namely:
 - i. Building, industrial or demolition operations;
 - ii. The removal of any obstruction to traffic;
 - iii. The maintenance, improvement or reconstruction of the said side or length of road;
 - iv. The laying, erection, alteration or repair in, or in land adjacent to, the said side or length of road of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line;
- (b) 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;
- (c) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
- (d) A vehicle to be used for fire and rescue, ambulance or police purposes.

16. Nothing in Article 9 shall render it unlawful to cause or permit any vehicle to wait in the road and side of length of road referred to therein for so long as may be necessary to enable:

- a) A person to board or alight from the vehicle;
- b) Goods to be loaded on or unloaded from the vehicle;
- c) The vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations namely:
 - i. Building, industrial or demolition operations;
 - ii. The removal of any obstruction to traffic;
 - iii. The maintenance, improvement or reconstruction of the said side or length of road;
 - iv. The laying, erection, alteration or repair in, or in land adjacent to, the said side or length of road of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line.
- d) 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;

- e) To enable a vehicle of (and bearing a livery used by) a universal service provider within the meaning ascribed by the Postal Services Act 2000 to be used for the purpose of delivering or collecting postal packets in the course of the provision of a universal postal service as defined in that Act;
 - f) A vehicle to be used by a registered Medical Practitioner in the course of his professional duties;
 - g) A vehicle to be used for fire and rescue, ambulance or police purposes.
17. Nothing in Article 9 shall restrict the power of any person duly authorised by the Council or a police constable in uniform to suspend the use of a loading bay referred to in the said Article or any part thereof whenever s/he considers such suspension reasonably necessary or for any civic event or similar occasion.
- (i) On the suspension of the use of a loading bay or any part thereof in accordance with the provisions of this Article the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that loading bay or that part thereof as the case may be a traffic sign or traffic signs indicating that the waiting of vehicles is prohibited.
18. Nothing in Articles 10 and 11 shall apply to:
- (a) a mechanical road sweeper;
 - (b) a pedal cycle;
 - (c) a vehicle used in an emergency for Fire and Rescue, Ambulance or Police purposes
19. Nothing in Article 12 shall render it unlawful to cause or permit any vehicle to:
- (a) enter or travel along the road for the purpose specified in Column 3 of Schedule 7.

Penalty

20. A failure by any person to comply with any requirement of the relevant Schedules to this Order shall be a contravention of this Order and a Penalty Charge Notice may then be issued by a Civil Enforcement Officer, in accordance with the requirements of the 2004 Act. The Penalty Charge shall be payable by the Owner.
21. A person who contravenes a traffic regulation order, or who uses a vehicle, or causes or permits a vehicle to be used in contravention of a traffic regulation order, shall be guilty of an offence.

SCHEDULE 1

AMENDMENTS TO EXISTING ORDERS

1. The Portsmouth City Council (Consolidation) (On-Street Parking Places and Restrictions on Waiting and Loading) (No.1) Order 2021
 - a) Amend Item 200 (a) (iii) in Schedule 1 relating to double yellow lines in Castle Road to read:

from a point 9 metres north of its junction with St Edward's Road to a point 4 metres north of the projected north side of Regent Place
 - b) Delete Item 200 (a) (ii) in Schedule 1 relating to double yellow lines in Castle Road.
 - c) Delete Item 1 in Schedule 73 relating to limited waiting bays in Castle Road.
2. The Portsmouth City Council (Residents' Parking Places) (Consolidation) (No.1) Order 2020
 - a) Delete Item 8 (c) in Schedule 10 relating to a residents' parking bay in Hambrook Street.

SCHEDULE 2

PEDESTRIAN AND CYCLE ZONE

PROHIBITION OF MOTOR VEHICLES

EXCEPT FOR LOADING 6AM - 11AM AND FOR ACCESS

Lengths of Road and Sides of Lengths of Road

CASTLE ROAD

Both sides from a point 2 metres north of its junction with Regent Place to a point 35 metres south of its junction with Hambrook Street

DRAFT

SCHEDULE 3

NO LOADING

11AM - MIDNIGHT AND MIDNIGHT - 6AM

Lengths of Road and Sides of Lengths of Road

CASTLE ROAD

Both sides from a point 2 metres north of its junction with Regent Place to a point 35 metres south of the projected south side of Hambrook Street;

DRAFT

SCHEDULE 4

LOADING ONLY

Length of Road and Side of Length of Road

HAMBROOK STREET

The south side from a point 11 metres west of its junction with Castle Road in a westerly direction for a distance of 8 metres.

DRAFT

SCHEDULE 5

NO ENTRY EXCEPT CYCLES

Road in the City of Portsmouth

Column 1

CASTLE ROAD
Southbound

Column 2

CASTLE ROAD
Past a point 35 metres south of its junction with
Hambrook Street

DRAFT

SCHEDULE 6

ONE-WAY TRAFFIC

Length of Road and Sides of Length of Road

Column 1

Column 2

CASTLE ROAD

Between Regent Place and a point 35 metres south of its junction with Hambrook Street

Northbound

DRAFT

SCHEDULE 7

PROHIBITION OF MOTOR VEHICLES

Road in the City of Portsmouth

Column 1

Column 2

Column 3

CASTLE ROAD
Southbound

CASTLE ROAD
Past a point 15 metres south of its junction with
Hambrook Street southwards for 19 metres

Except for Access

DRAFT

STATEMENT OF REASONS FOR ORDER

The Council is duty bound under Section 122 of the Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) on and off the highway.

The proposed Traffic Regulation Order ("TRO") will be made in accordance with section 1(1) and section 2(2) of the 1984 Act as it appears to the Council that it will be expedient to make it for the following prescribed purposes:

- For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of such danger arising;
- For preventing damage to the road or to any building on or near the road;
- For facilitating the passage on the road or any other road of any class of traffic (including pedestrians);
- For preserving or improving the amenities of the area through which the road runs, or
- For any of the purposes specified in s.87(1)(a-c) of the Environment Act 1995 (air quality);

Castle Road has been temporarily closed in response to the Covid-19 pandemic under a Temporary Traffic Regulation order ("TTRO") that was introduced under new government legislation. This legislation allowed local authorities to create additional space for social distancing, walking and cycling and to temporarily close roads. This section of Castle Road was also identified as suitable for the active travel closure by promoting walking and cycling by the Council's Safer Travel Team.

Since the TTRO was brought into operation, the pedestrian and cyclist use of Castle Road has significantly increased. The permanent TRO will continue to restrict motor vehicles traffic within this section of the road, allowing loading between 6am and 11am, and access to premises. Access for local residents and businesses, emergency vehicles and other statutory exceptions, along with timed access for deliveries will remain.

The order will also promote a safer environment for blind and partially sighted people and those with mobility requirements in navigating through and accessing amenities in this section of Castle Road. The Council has undertaken an equalities impact assessment as part of the traffic scheme.

The measures proposed under this TRO in Castle Road and Hambrook Street meet the Department of Transport's guidance on Quiet Deliveries and is informally supported by the Portsmouth Police, the Castle Road South Neighbours & Traders Association and Portsmouth High School. In preparing the scheme, the Council has undertaken extensive informal consultation and has corresponded with the majority of respondents affected by the order.

Given under the Common Seal
of the City of Portsmouth this

day of

2022.

THE COMMON SEAL of THE PORTSMOUTH)
CITY COUNCIL was hereunto affixed in the)
presence of:)

.....
Authorised Signatory

DRAFT