

THE PORTSMOUTH CITY COUNCIL (PALMERSTON ROAD AND VILLIERS ROAD) (PEDESTRIAN AND CYCLE ZONE, ONE-WAY TRAFFIC AND AMENDMENTS TO WAITING AND LOADING RESTRICTIONS) (NO.17) ORDER 2022

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 (Palmerston Road and Villiers Road) (Pedestrian and Cycle Zone, One-Way Traffic and Amendments to Waiting and Loading Restrictions) (No.17) Order 2022 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';

“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 – 4am.
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 proceeding in the road or length of road specified in Schedule 4 to enter the road or length of road specified of the said Schedule.
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 to proceed in the road and length of road specified in Schedule 5 in a direction other than that specified in relation to that length of road in 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 cause or permit any vehicle proceeding in the road or length of road specified in Column 1 of Schedule 6 to enter the road or length of road specified 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 vehicle to cause or permit any vehicle proceeding in the road or length of road specified in Column 1 of Schedule 7 to enter the road or 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 4am 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 Articles 9,10,11 and 12 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

Penalty

17. 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.
18. 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.

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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) Delete Item 27 in Schedule 48 relating to loading only in Palmerston Road
 - b) Delete Item 35(a) in Schedule 70 relating to limited waiting bays in Palmerston Road.
 - c) Delete item 929 (a) (i) in Schedule 1 relating to no waiting at any time in Palmerston Road.
 - d) Delete item 929 (a) (ii) in Schedule 1 relating to no waiting at any time in Palmerston Road.
 - e) Delete item 929 (b) (ii) in Schedule 1 relating to no waiting at any time in Palmerston Road.
 - f) Delete item 929 (b) (iii) in Schedule 1 relating to no waiting at any time in Palmerston Road.
 - g) Delete item 1 Schedule 51 Palmerston Road (in its entirety)
 - h) Amend Item 929 (b)(i) in Schedule 1 relating to no waiting at any time in Palmerston Road to now read:
'from its junction with Clarence Parade in a northerly direction for a distance of 16 metres'
2. The Portsmouth City Council (Palmerston Road and Osbourne Road area) (Traffic and Parking Restrictions and Amendments)(No.16) Order 2016
 - a) Delete item 1 Schedule 3 relating to One-Way traffic in Palmerston Road
 - b) Delete item's 1(a) and (b) Schedule 4 relating to Restricted Parking Zone in Palmerston Road
 - c) Delete Item 1(a) Schedule 5 relating to Limited Waiting in Palmerston Road
 - d) Delete item's 1(a)(b) and (c) Schedule 6 (in its entirety) relating to Palmerston Road Limited Waiting
 - e) Delete item's 1(a)(b) and (c) Schedule 7 (in its entirety) relating to Palmerston Road Loading
 - f) Delete item's 1(a)(b) and (c) Schedule 7 (in its entirety) relating to Palmerston Road No Waiting except Taxis

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SCHEDULE 2

PEDESTRIAN AND CYCLE ZONE

PROHIBITION OF MOTOR VEHICLES

EXCEPT FOR LOADING 4AM - 11AM AND FOR ACCESS

Lengths of Road and Sides of Lengths of Road

PALMERSTON ROAD

Both sides from its junction with Osbourne Road to its junction with Auckland Road East

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SCHEDULE 3

NO LOADING

11AM - MIDNIGHT AND MIDNIGHT - 4AM

Lengths of Road and Sides of Lengths of Road

PALMERSTON ROAD

Both sides from its junction with Osbourne Road to its junction with Auckland Road East

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SCHEDULE 4

NO ENTRY EXCEPT CYCLES

Road in the City of Portsmouth

- a) PALMERSTON ROAD
Northbound - at its junction with the A288 Clarence Parade
- b) PALMERSTON ROAD
Its entire length between the junctions with Osbourne Road and Auckland Road East
- c) VILLIERS ROAD
Eastbound - at its junction with Palmerston Road

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SCHEDULE 5

ONE-WAY TRAFFIC

Length of Road

PALMERSTON ROAD

From its junction with Clarendon Road/Osbourne Road southwards to its junction with Auckland Road East

PALMERSTON ROAD

From its junction with Auckland Road East southwards to its junction with the A388 Clarence Parade

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SCHEDULE 6

PROHIBITION OF LEFT TURN EXCEPT CYCLES

Column 1

AUCKLAND ROAD WEST

Column 2

Palmerston Road

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SCHEDULE 7

PROHIBITION OF RIGHT TURN EXCEPT CYCLES

Column 1
AUCKLAND ROAD EAST

Column 2
Palmerston Road

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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);

Palmerston 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 Palmerston 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 Palmerston Road has significantly increased. The permanent TRO will continue to restrict motor vehicles traffic within this section of the road, allowing loading between 4am 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 Palmerston Road. The Council has undertaken an equalities impact assessment as part of the traffic scheme.

The measures proposed under this TRO in Palmerston Road are to meet the Department of Transport's guidance on Quiet Deliveries and is informally supported by the Portsmouth Police, the. In preparing the scheme, the Council has undertaken extensive informal consultation and has corresponded with the majority of respondents affected by the order.

