

NORTH YORKSHIRE COUNTY COUNCIL

(PROHIBITION OF HEAVY COMMERCIAL VEHICLES) (FOUNTAINS MILL RACE, RIPON)

ORDER 2020

North Yorkshire County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1), 2(2), 2(4) and 3(2) of the Road Traffic Regulation Act 1984 ("the 1984 Act") and Part IV of Schedule 9 to the 1984 Act 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 1984 Act, hereby make the following Order.

PART 1 - GENERAL

1. This Order shall come into operation on **[insert date]** and may be cited as "North Yorkshire County Council (Prohibition of Heavy Commercial Vehicles) (Fountains Mill Race, Ripon) Order 2020".
2. In this Order "heavy commercial vehicle" means any goods vehicle which has an operating weight exceeding 7.5 tonnes.
3. The Council is satisfied that:-
 - i) 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, or
 - ii) for preventing damage to the road or to any building on or near the road, or
 - iii) for preserving or improving the amenities of the area through which the road runsit is requisite that Section 3(1)(b) of the Act should not apply in relation to this Order.

PART 2 - RESTRICTIONS ON HEAVY COMMERCIAL VEHICLES

4. Save as provided in article 5 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform use or cause or permit any heavy commercial vehicle to proceed in either direction along the length of road specified in the Schedule to this Order.
5. (1) Nothing in article 4 of this Order shall render it unlawful for any heavy commercial vehicle to proceed along the length of road specified in article 4 if the vehicle is being used:-
 - (a) for or in connection with the conveyance of goods/for the purposes of access to or from any premises on or adjacent to that road or length of road,
 - (b) for the purposes of agriculture on any land adjacent to that road or length of road or for or in connection with the conveyance or haulage of timber felled upon any such land, or
 - (c) in connection with the carrying out of any of the following operations, namely:-
 - (i) building industrial or demolition operations,
 - (ii) the removal of obstructions to traffic,
 - (iii) the maintenance, improvement or reconstruction of any road,
 - (iv) the laying, erection, alteration or repair in or in land adjacent to any road of any sewer or any main, pipe, cable or apparatus for the supply of water, gas or electricity or of any electronic communications network or electronic communications service as defined in Schedule 3A and Section 32 of the Communications Act 2003,

- (d) for fire brigade, police or ambulance purposes,
- (e) to proceed to or from any premises at which the vehicle on that occasion is to be or has been garaged, serviced or repaired,
- (f) in the service of a Local Authority or Water Authority in pursuance of statutory powers or duties of that Authority,
- (g) for the purpose of access to or from any premises on or adjacent to any other public road which has a junction with the length of road specified in the Schedule to this Order and that premises or land can only be accessed by means of the length of road specified in the Schedule to this Order.

(2) In this article any reference to premises or land is a reference to premises or land, in whole or in part, to which access for heavy commercial vehicles for any of the purposes specified in article 5(1) of this Order can be obtained by means only of a road specified or referred to in article 4 of this Order and any reference to the carrying out of any operations is a reference to the carrying out of such operations on any premises, land or road specified in article 5(1) of this Order.

6. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any Order or regulations made or having effect as if made under the Act or by or under any other enactment.

SCHEDULE

ROADS IN THE BOROUGH OF HARROGATE

PROHIBITION OF HEAVY COMMERCIAL VEHICLES

<u>Column 1 Item</u>	<u>Column 2 Road</u>	<u>Column 4 Length</u>
1	Fountains Lane (C374)	From a point 47 metres south of the projected property boundary of Abbey Cottage and the West Gate Entrance to Fountains Abbey, to a point 54 metres south of the projected property boundary of Abbey Cottage and the West Gate Entrance to Fountains Abbey. Measured along the eastern channel line of Fountains Lane (C374)

THE COMMON SEAL of NORTH YORKSHIRE)
COUNTY COUNCIL was hereunto affixed this)
 day of 2020 in the presence of:-)
)