

## **THE COUNTY COUNCIL OF CUMBRIA**

### **(C3042 POOLEY BRIDGE) (KNOWN LOCALLY AS HOWTOWN ROAD) (MAIN CARRIAGEWAY CLEARWAY AND PROHIBITION OF STOPPING ON VERGE) ORDER 2023**

Cumbria County Council ("the Council") in exercise of their powers under Sections 1 and 2 and Schedule 9 of the Road Traffic Regulation Act, 1984, ("the 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 Act hereby make the following Order:-

1. This Order shall come into operation on the 16<sup>th</sup> day of January 2023 and be cited as The County Council of Cumbria (C3042 Pooley Bridge) (Known Locally as Howtown Road) (Main Carriageway Clearway and Prohibition of Stopping on Verge) Order 2023

2. In this Order –

Any reference 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.

“Driver” in relation to a vehicle waiting in contravention of an Order, means the person driving the vehicle at the time it was left at that contravention;

“General Directions” shall mean The Traffic Signs Regulations and General Directions 2016”

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"lay-by" means any area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 801 to The Traffic Signs and General Directions 2016, and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed;

"main carriageway" means any carriageway used primarily by through traffic, and includes any carriageway of a slip road, but excludes any lay-by;

“passing areas of main carriageway” means the areas of widened main carriageway necessary to permit the safe passing of vehicles travelling in opposite directions along the narrow road;

"verge" means any part of a road which is not a carriageway.

3. Save as is provided in Articles 4 and 5 of this Order, no person shall, except upon the direction of or with the permission of a police constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle to stop along the main carriageway including the passing areas of the main carriageway of the C3042 Pooley Bridge, known locally as Howtown Road, from its junction with the U3159

(Pooley Bridge Crossroads), extending in a south westerly direction to the cattle grid at the bottom of Martindale Hause, a total distance of approximately 6.12km/4 miles.

4. Nothing in Article 3 of this Order shall prohibit a person to cause or permit any vehicle to stop along the length of main carriageway and passing areas of main carriageway specified in that Article for so long as may be necessary to enable 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:

- (a) fire brigade, ambulance or police purposes;
- (b) in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
- (c) any building operation or demolition;
- (d) the removal of any obstruction to traffic;
- (e) the maintenance, improvement or reconstruction of the road comprising or including that carriageway;

or

- (f) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of road or side of roads, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
- (g) the provision of a universal postal service as defined in the Postal Services Act 2000;
- (h) a farm or other vehicle waiting on the main carriageway referred to in Article 3 while any gate or other barrier at the entrance to premises to which the vehicle requires access, or from which it has emerged, is opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than on that carriageway and/or to enable farm vehicles to undertake any duties within the extents of the carriageway or verge when no alternatives are available
- (i) a vehicle waiting when the person in control of the vehicle is required to stop by law, or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstance outside their control.
- (j) the collection/reporting to a vessel moored on Ullswater.

5. Nothing in Article 3 of this Order shall prevent vehicles from stopping in the layby.

6. Save as is provided in Article 6 of this Order, no person shall, except upon the direction of or with the permission of a police constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle to stop along the verge of the C3042 Pooley Bridge, known locally as Howtown Road, from its junction with the U3159 (Pooley Bridge Crossroads), extending in a south westerly direction to the cattle grid at the bottom of Martindale Hause, a total distance of approximately 6.12km/4 miles.

7. Nothing in Article 5 of this Order shall prohibit a person to cause or permit any vehicle to stop along the length of verge specified in that Article for so long as may be necessary to enable 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:

- (a) fire brigade, ambulance or police purposes;

- (b) in the service of a local authority or of a water authority in pursuance of statutory powers or duties;
- (c) any building operation or demolition;
- (d) the removal of any obstruction to traffic;
- (e) the maintenance, improvement or reconstruction of the road comprising or including that carriageway; or
- (f) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of road or side of roads, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
- (g) the provision of a universal postal service as defined in the Postal Services Act 2000;
- (h) a vehicle waiting on the verge while any gate or other barrier at the entrance to premises to which the vehicle requires access, or from which it has emerged, is opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise; or
- (i) a vehicle waiting when the person in control of the vehicle is required to stop by law, or is obliged to stop in order to avoid an accident or is prevented from proceeding by circumstance outside their control.
- (j) the collection/reporting to a vessel moored on Ullswater

7. Insofar as any provision of this Order conflicts with any previous Order relating to the length of road specified in Articles 3 and 6 of this Order, the provisions of this Order shall prevail.

Dated this 10<sup>th</sup> day of January 2023

THE COMMON SEAL OF            )  
 CUMBRIA COUNTY COUNCIL )  
 was hereunto affixed            )  
 in the presence of:-            )

Authorised Signatory .....