

Agenda Item No. 6(b)

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**8 November 2018**

Report of the Strategic Director – Economy, Transport and Environment

**PROPOSED DERBYSHIRE COUNTY COUNCIL (PEAK DISTRICT NATIONAL PARK) (OFF STREET PARKING PLACES) ORDER – REPORT TO CABINET ON THE OUTCOME OF THE PUBLIC CONSULTATION (HIGHWAYS, TRANSPORT AND INFRASTRUCTURE)**

(1) **Purpose of Report** To advise Cabinet on the outcome of the public consultation into the proposed (Peak District National Park) (Off Street Parking Places) Order, to respond to concerns raised by a Parish Council, and to seek approval for the Order to be made as advertised.

(2) **Information and Analysis** Following Cabinet approval at the meeting on 16 November 2017, officers in the County Council's Civil Parking section and Legal Services division prepared a draft Order, plans and schedule for consultation on proposals to introduce enforcement of the Peak District National Park Authority's (PDNPA) 15 charging car parks, in Derbyshire (Minute No. 330/17 refers). The consultation documents are provided for reference in Appendix A of this report.

As a park authority, the Peak District National Park Authority is constrained by legislation, which does not allow it to directly utilise the Traffic Management Act 2004 (Part 6) to undertake enforcement of its car parks. The PDNPA therefore approached Derbyshire County Council to create an off-street parking order and carry out enforcement on its behalf. The County Council, as a highway authority, already undertakes enforcement through the Traffic Management Act, following Derbyshire receiving approval from the Department for Transport to become a Civil Enforcement Area (CEA). The PDNPA would be able to utilise the existing enforcement contract and the agreement with Nottinghamshire County Council to process its Penalty Charge Notices. Introducing enforcement into the PDNPA's charging car parks will help to resolve existing issues with misuse and non-payers, and bring about fairer access to the parking facilities provided.

A four-week statutory consultation period was undertaken between 29 March 2018 and 26 April 2018 and Public Notices were placed in each of the 15 car parks concerned.

Notices were placed in a total of five newspapers, with all advertising costs being met by the PDNPA. Consultation packs (see Appendix A) were also kept on deposit at local libraries and the Peak Park's own Visitor Centres (where applicable).

No objections or comments were received during the consultation period, but Litton Parish Council raised the following concerns shortly after the consultation ended:

*"The Council agrees that if the car parking facilities provided by the PDNPA incur a charge then enforcement action should be taken to ensure that users pay.*

*The Council's concern is that this may lead to an increase in vehicles being parked on the road or wherever a convenient piece of land may be found. Litton is close to the Tideswell Dale Car Park and there is very little opportunity for safe parking within its vicinity. An increase in road markings and signage to prevent parking is unlikely to be welcomed by the PDNPA or local residents.*

*The Council would therefore ask that careful consideration is given to how the possible consequential effects of enforcement may be dealt with. At the same time the Council would ask that the parking of coaches is given consideration. Tourism is an important aspect of the Park's economy and in the summer coaches find it difficult to park in small villages and when they do so traffic problems often arise; it would be helpful if car parking space could be provided for them."*

### **Officer Comment**

The concerns raised by Litton Parish Council, as noted above, have been given consideration by officers from the PDNPA and the County Council's Civil Parking and Traffic and Safety teams.

Whilst the introduction of charges on a car park may lead to displacement of vehicles, parking charges already exist on the Tideswell Dale Car Park. As such, displacement onto the nearby highway network is unlikely to be an issue in these circumstances.

The Parish Council makes reference to the difficulty that coaches experience in parking in small villages and, when they do so, traffic problems often arise. The Tideswell Dale Car Park does permit coach parking, but coaches seldom choose to park there; this may be as a result of the layout of the car park and also its location (being approximately 1 mile from the centre of the village). The concerns relating to coaches experiencing problems parking in villages may well be valid, but cannot be resolved within the parameters of these proposals. Given that coaches largely do not use the Tideswell Dale Car Park,

it is not anticipated that there will be an increase in coach parking in the village itself.

### **Local Member Comment**

Councillor Spencer and Councillor Twigg have been made aware of the concerns raised by Litton Parish Council.

(3) **Financial Considerations** The PDNPA would meet all costs associated with the completion (sealing) of the Traffic Regulation Order (TRO), including advertising costs.

The PDNPA would continue to be responsible for all costs associated with maintaining the car parks and signs and lines within. The PDNPA would keep all Pay and Display income and pay for the necessary enforcement time required. The County Council would keep all net income from Penalty Charge Notices (PCNs) issued on the car parks (PCN income less administrative fees for the Central Processing Unit for all parking tickets recovered through enforcement activity). Based on similar figures to the PCNs issued in the County Council's Countryside car parks, it is anticipated that this will generate an annual issue rate of between 300 - 400 PCNs. This would cost approximately £2,250 - £3,000 to process. Income from paid PCNs will be approximately £8,000 annually, based on an 80% payment rate, giving an overall net surplus of between £5,000 - £5,750 per year. There are no increases in staff costs.

(4) **Legal Considerations** The proposed TRO has been prepared in accordance with the requirements of the Road Traffic Regulation Act 1984 and consultation has been undertaken in accordance with the requirements of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Regulation 14 of the 1996 Regulations enable an order making authority to modify an Order in consequence of any objections or otherwise, before it is made. Where substantial changes are to be made, the order making authority must notify those likely to be affected by the modifications and give them an opportunity to make representations which the authority shall consider. In this matter, it is not considered that modifications are required.

Having determined all objections the Council may determine to introduce the new restrictions. The Order will need to be formally made, advertised and the requisite signs erected. An Order shall not be made until after the last date for objections. No Order can be made more than two years after the date of publication of the notice of proposals. No part of a TRO can come into force before that date when it is intended to publish a notice of making.

Enforcement of the Order would be undertaken through the provisions of Part 6 of the Traffic Management Act (TMA) 2004 and in accordance with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Paul Jameson, extension 38671.

(8) **OFFICER'S RECOMMENDATIONS** That:

8.1 The proposed Derbyshire County Council (Peak District National Park) (Off-Street Parking Places) Order 2018 be introduced and implemented as advertised

8.2 The Local Members and objectors be informed accordingly.

**Mike Ashworth**  
**Strategic Director - Economy, Transport and Environment**

DERBYSHIRE COUNTY COUNCIL  
(PEAK DISTRICT NATIONAL PARK) (OFF-STREET PARKING PLACES)  
ORDER 2018

**DERBYSHIRE COUNTY COUNCIL**  
**(PEAK DISTRICT NATIONAL PARK) (OFF-STREET PARKING PLACES)**  
**ORDER 2018**

Derbyshire County Council (hereinafter called "the Council") in exercise of its powers under Sections 33(4), 35(1) and Part III of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the 1984 Act"), the provisions of the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers, after consultation with the Chief Constable of Derbyshire Constabulary in accordance with Part III of Schedule 9 to the Act and following arrangements made with the Peak District National Park Authority hereby makes the following Order:

**PART 1 - PRELIMINARY**

**Introduction**

1. The Derbyshire County Council ("the Council") is a Local Authority, as defined in Section 32(4) of the Road Traffic Regulation Act 1984.
2. The Peak District National Park Authority ("the PDNPA") is the National Park Authority for those areas of the Peak District National Park situated within Derbyshire.
3. The Council is empowered under the Act to provide off-street parking places or to make arrangements with any person for him to provide such a parking place and to make an Order to make provision as to those matters set out in Section 35 (1) of the 1984 Act.
4. The PDNPA is empowered under Section 12 (1) of the National Parks and Access to the Countryside Act 1949 to make arrangements for securing the provision for its area of parking places and means of access thereto and egress therefrom.
5. By virtue of Section 33 (4) (b) of the 1984 Act the Council may, on such terms as it things fit arrange with any person for him to provide an off-street parking place on any land of which he is the owner or in which he has an interest.
6. The Council and the PDNPA have agreed that the Council will assist the PDNPA in the management of its car parks and in particular with the enforcement of parking restrictions and in order to facilitate this will introduce this off-street parking places order under the 1984 Act.

### Commencement and Citation

1. This Order shall come into operation on the .... day of .... 2018 and may be cited as the Derbyshire County Council (Peak District National Park) (Off-Street Parking Places) Order 2018.
2. The Derbyshire County Council (Peak District National Park) (Off-Street Parking Places) Order 2018 schedule is incorporated into this Order.

### Interpretation

3. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:

“Buses and coaches” means passenger carrying vehicles as defined in Section 117 (1) of the Public Passenger Vehicles act 1981;

“Bank holiday” has the same meaning as described in the ‘Banking and Financial dealings Act 1971 (C.80). The first Monday of May shall be treated as if it were a Bank Holiday for the purposes of this Order;

“Charging days”, means those days which are as specified in the schedule;

“Charging hours”, means the period as specified in the schedule on all charging days;

“Civil enforcement officer” or “parking attendant” means a person authorised by or on behalf of the Council to supervise parking places and enforce restrictions imposed by this Order and has the same meaning as in the 2004 Act;

“the Council” means Derbyshire County Council or its successor authority;

“Daily charge” means the charge imposed by the Council for parking in a parking place on any one day and for a specified period of time as is identified in the scale of charges specified in the schedules;

"Disabled persons' badge" means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons Regulations 2000 or a badge having effect under those regulations as if it were a disabled person's badge);

"Driver" in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place;

"Expiry time" is the time indicated on the Pay and display ticket and is the time by which the vehicle must leave the parking place;

"Immobilisation device" has the same meaning as in Section 104 (9) of the 1984 Act;

"Light goods vehicle" means a vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, the overall height of which does not exceed 1.85 metres and the un laden weight of which does not exceed 2540 kilograms and is not drawing a trailer;

"Loading/unloading" refers to when a vehicle is parked wholly in a parking place for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjacent to the parking place or bay and the vehicle does not park for more than twenty minutes or such longer period as a duly authorised officer of the Council may authorise;

"Minibus" "motor caravan" "trailer" and "goods vehicle" have the same meaning as they have in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986;

"Motor cycle" refers to a solo motorcycle only and excludes any motor cycle which has a side-car or trailer, or which has more than two wheels;



“Owner” in relation to a vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the vehicle was parked in the parking place in question;

“Park” and “parked” refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle and a vehicle shall be deemed to be parked for any period in the same parking place or parking bay (as the case may be) if any part of it is below the vehicle or the vehicle’s load (if any) whether or not the vehicle is moved during that period;

“Parking bay” means an area of a parking place, which is provided for the leaving of a vehicle of a class specified and indicated by markings on the surface of the parking place or signed or otherwise indicated by signs in the parking place;

“Parking place” means an area of land provided by the PDNPA pursuant to Section 32(1) of the 1984 Act for the purpose of parking of vehicles and not closed (in part or in whole) by a notice erected thereon by authority of the PDNPA;

“Parking permit” means a season ticket, contract permit, business permit, staff permit or resident’s permit of a type and design issued by the PDNPA;

“Pay and display ticket” means a ticket issued by a ticket machine located in the parking place in which the vehicle has been parked or issued by a person nominated by the PDNPA on payment of a charge and valid for a parking period as advertised at that parking place;

“Penalty charge” means a charge imposed by legislation in respect of parking contraventions that are subject to civil enforcement and has the same meaning as in the Civil Enforcement of parking Contraventions (England) General Regulations 2007;

“Penalty charge notice” has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“the PDNPA” means the Peak District National Park Authority;

“Permitted hours” means the periods specified for each parking place during which waiting by vehicles of a specific class is permitted as specified in the Schedule to this Order;

“Public holiday” means Christmas Day, Good Friday and any other day designated by the Government as a public holiday;

“Relevant position” means

- (a) in respect of a vehicle displaying a valid disabled person’s badge -
  - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the vehicle; or
  - (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle;
- (b) in respect of a vehicle displaying a pay and display ticket or parking permit -
  - (i) the ticket or permit is exhibited on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read from the front or side of the vehicle; or
  - (ii) in the case of a vehicle that is not fitted with a transparent windscreen, the ticket or permit is exhibited on the front of the vehicle facing forwards and clearly visible; or
- (c) in respect of a vehicle displaying a hackney carriage plate
  - (i) the plate must be affixed to the vehicle in accordance with the instructions given within the licence as issued by the Derbyshire County Council;

“Restricted hours” means in relation to any restricted parking place, the hours during which parking is restricted as specified in the Schedule to this Order;

“Season ticket” means any season ticket issued by the PDNPA;

“Ticket machine” means an apparatus of a type and design approved by the appropriate Minister for the purpose of the 1984 Act, being apparatus designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the expiry time of the parking period for which payment has been made;

“The 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;

“The 2004 Act” means the Traffic Management Act 2004;

“The 1984 Act” means the Road Traffic Regulation Act 2004;

“Traffic signs” means a sign of any size, colour or type, having the effect as though prescribed or authorised pursuant to Section 64 of the 1984 Act;

“Trailer” means any vehicle drawn by a motor vehicle;

“Vehicle” and “motor vehicle” means subject to Section 20 of the Chronically Sick and Disabled Persons Act 1970, a mechanically propelled vehicle intended or adapted for use on the road;

4. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
5. Any reference in this Order 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.
6. Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting the persons shall include

either gender, bodies corporate, unincorporated associations and partnerships.

7. The Interpretation Act 1978 shall apply for the interpretation of this Order.

## **PART 2**

### **DESIGNATION AND USE OF PARKING PLACES**

#### Designation

8. Each area of land or building specified by the accompanying plans and by name in the Schedules may be used, subject to the provisions of this Order, as a place to park vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are advertised at each parking place and as noted in the Schedules to this Order. Provided that the use of the said parking place by the vehicles, the driver and any passengers and belongings or goods carried by such vehicles shall be entirely at the risk of the driver.
9. No parking shall be permitted in areas covered by this order which are not designated as areas for parking as specified by the plans and in the Schedule.

#### Class and position of vehicle

10. Where by notice at a parking place, the parking place, or any parking bay within the parking place, is described as available for vehicles of a specified class or vehicles to be parked in a specified location, no person shall cause or permit a vehicle to be parked in that parking place or in any parking Bay within the parking place unless:
  - (i) it is of the specified class;
  - (ii) it is parked within the parking bay markings;
  - (iii) it parked in the position so specified.

#### Classes of vehicle

11. No person shall cause or permit a vehicle to be parked in a parking bay unless it is a passenger vehicle, light goods vehicle, minibus, motor caravan, horsebox, trailer or coaches a vehicle displaying a disabled person's badge, motor cycle or a class specifically prescribed in the Schedules.

#### Position of vehicle

12. If parking bays are marked out in a parking place the driver of a vehicle shall ensure that it is positioned wholly within a parking bay and shall not permit it to wait in that parking place unless it is so positioned.
13. If parking bays are not marked out in a parking place the driver of a vehicle shall ensure that it is positioned so that it does not obstruct other vehicles using the parking place, the free flow of traffic circulating within the parking place, any access to premises adjoining the site and the entrances to and exits from the parking place.

#### Disabled person's parking bays

14. No person shall cause or permit a vehicle to be parked in a parking bay marked for disabled persons unless the vehicle displays a valid disabled person's badge in the relevant position and immediately before or immediately after the act of parking the vehicle has been or is about to be used by the person(s) in respect of whom the disabled person's badge has been issued.

#### Permit parking bays

15. No person shall cause or permit a vehicle to park in a parking bay marked for season ticket unless the vehicle is displaying a season ticket valid for that time and that parking bay.

#### Loading and unloading bays

16. No person shall cause or permit a vehicle to park in any area marked as a loading bay unless the vehicle is being used for the purpose of Loading or Unloading.

#### Motor cycle parking bays

17. No person shall cause or permit a vehicle to park in a parking bay marked for motor cycles unless the vehicle is a motor cycle.

#### Hours of operation and maximum period of stay

18. Where by notice on site, or in the schedule or plans a parking place or in any parking bay within the parking place is described as being in operation on specified days, during specified hours or for a maximum period of stay, no person shall cause or permit a vehicle to be parked in that parking place or in any parking bay within the parking place on any day, during such hours or for any period other or longer than those specified.

#### Period of no return

19. Where by notice on site or in the schedule or plans a parking place is described as having a period within which a vehicle may not return, no person shall cause or permit a vehicle to be parked again in that parking place on any day, during such hours within which the vehicle is excluded from waiting in the parking place.

#### Power to close or suspend parking places

20. Nothing in this Order shall prevent the PDNPA or a body authorised by it in writing by notice, sign or barrier displayed or erected in a parking place:
  - (i) from closing a parking place or any part thereof for any period; and/or
  - (ii) from setting aside a parking place or any part or parts thereof on all days or on certain days or during certain parts of days for use only by particular vehicles or organisations.
21. Any person closing or suspending the use of a parking place or any part thereof in accordance with the provisions of Article 19 shall thereupon place or cause to be placed in or adjacent to that parking place or that part thereof a notice or traffic sign indicating that of that parking place or that part thereof is closed or the use is suspended and that parking by vehicles is prohibited.
22. No person shall cause or permit a vehicle to be parked in a parking place or any part thereof during such periods that the parking place or that part thereof is closed or the use is suspended or during such period as there is in or

adjacent thereto a notice or traffic sign indicating the closure or suspension placed by or on behalf of the PDNPA in pursuance of Article 19.

#### Sale of Goods

23. No person shall while in a parking place, without the express written permission of the PDNPA or a body authorised by it in writing, use a vehicle, in connection with the sale or attempted sale of any article, including the vehicle itself, to any person in or near the parking place or in connection with the selling or offering for hire of skill or services in any other capacity and shall not use a vehicle while it is in the parking place for the purpose of any exhibition.

#### Parked with engine running

24. No person shall in a parking place continue to run the engine when the vehicle is in the parking space and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

#### Parked causing an obstruction

25. No person shall in a parking place park the vehicle in such a manner or place where it causes an obstruction to any other users of the parking place.

#### Other provisions relating to the use of each parking place

25. No person shall use a parking place or any part of the parking place or any vehicle parked in a parking place:
- (i) for sleeping or camping, or
  - (ii) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable the vehicle to depart from the parking place.
26. No vehicle carrying inflammable or dangerous substances which might cause damage by fire or explosion or which might endanger human life by toxic or other effects (other than in the fuel tank of the vehicle) shall be parked in any of the parking places except with the prior consent of the Council or a body authorised by it in writing.

27. No person shall use a parking place to the disturbance or annoyance of the users of the parking place or residents of premises in the neighbourhood for the purposes of skateboarding, bicycle riding, ball games or similar activities.
28. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provisions of the Vehicles (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.
29. No person shall:
- a. Except with the express permission of any person duly authorised in writing by the Council, drive in any parking place other than for the purpose of leaving that vehicle in a parking place in accordance with the provisions of this Order or for the purposes of departure from the parking place;
  - b. Use any parking place of any purpose other than such as may be permitted by this Order;
  - c. Allow a vehicle to occupy a designated parking bay for disabled people unless a valid disabled persons' badge is displayed in addition to a valid parking ticket or permit.
30. No person shall use any parking place as a means of passage proceeding from one road to another.
31. No person shall in any parking place use uses any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.
32. No person shall in any parking place wantonly shout or otherwise make any loud noise.
33. Where in any parking place signs are erected or surface markings are laid for the purpose of;



- a. Indicating the entrance or exit from the parking place; or
- b. Indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place; or
- c. Indicating parking bays

no person shall drive or cause to be driven any vehicle:

- (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise by an exit so indicated; or
- (ii) in a direction other than that specified as the case may be; or
- (iii) park any vehicle otherwise than wholly within a parking bay.

34. No person shall in any parking place:

- a. erects or causes or permits to be erected any tent, booth, stand, building or other structure without the written consent of the PDNPA; or
- b. light or cause to be lit any fire.

35. When a vehicle has left a parking place after waiting therein the driver thereof shall not within one hour after its leaving permit it to wait again in that parking place except as may be provided for in the Schedule to this Order.

36. When a parking ticket, parking permit or notice has been exhibited on a vehicle in a relevant position in accordance with the provisions of this Order, no person shall remove the parking ticket, parking permit or notice from the vehicle until the vehicle is removed from the parking place.

37. No person shall in any parking place knowingly exhibit on any vehicle any parking ticket or parking permit which has been defaced, altered, mutilated or added to or upon which the figures or particulars have become illegible, or which does not relate to the vehicle or that parking place or is no longer valid.

### **PART 3**

#### **CHARGES FOR PARKING**

##### Payment

38. No person shall cause or permit any vehicle to be parked in a parking place without arranging for the appropriate charge (if any) to be paid in accordance with the scale of current charges as advertised at the parking place and in the current Schedule.

##### Means of payment

39. The charges referred to in the preceding Article shall be payable in the manner as advertised at that parking place and in the Schedule.

##### Pay and display parking places

40. The person in charge of a vehicle, upon parking the vehicle in a parking bay, shall immediately:
- a. arrange for the purchase of a pay and display ticket from a ticket machine situated at that parking place at the level of charge and for the period required in accordance with the scale of daily charges as advertised at that parking place, and in the Schedule; or
  - b. make arrangements to pay the appropriate fee through an alternative approved method of payment at the level of daily charge and for the period required in accordance with the scale of charges as advertised at that parking place and Schedule.
41. The driver of a vehicle which displays in the relevant position a disabled persons' badge and time disc and parks in a bay set aside for disabled users, shall be allowed free parking.

##### Display of ticket

42. Save for payment by an alternative approved method of payment, once a vehicle has been parked within a pay and display parking place the person in charge of the vehicle shall ensure that:
- a. a valid pay and display ticket has been obtained to cover the entire period that the vehicle is parked in the parking place; and

- b. the valid pay and display ticket is displayed in the relevant position on the vehicle in respect of which it was issued at all times the vehicle is parked.

#### Validity of pay and display tickets

- 43. A pay and display ticket is not transferable from one vehicle to another and on transfer the pay and display ticket ceases to be valid.
- 44. A pay and display ticket is valid only in the parking place in which it was issued. This is defined by the reference code of the ticket machine located in that parking place printed on the pay and display ticket.

#### Expiry of parking period

- 45. The expiry of the period for which the appropriate charge has been paid shall be
  - (i) where a pay and display ticket has been purchased, when the time shown on the clock of the issuing ticket machine is later than the Expiry time shown on the pay and display ticket displayed; or
  - (ii) where an alternative approved method of payment has been used, when the period for which payment has been made and recorded has been exceeded.

#### No pay and display ticket displayed

- 46. If at any time while a vehicle is parked in a parking place no pay and display ticket is displayed on that vehicle in the relevant position and in accordance with the provisions of this order, it shall be deemed that the charge has not been paid.
- 47. If at the time when a vehicle is parked during the charging hours in a parking place and the nearest ticket machine in that parking place is out of order, then a ticket shall be obtained from another ticket machine within the same parking place (where provided) or as directed in the parking place.
- 48. Where no valid pay and display ticket can be obtained from a ticket machine within a parking place, vehicles may be parked in a parking place but may not

be parked for longer than the maximum period of parking in that parking place as advertised at the parking place and in the schedule

#### Season tickets

49. Season tickets are available from the PDNPA at the appropriate fee, for a vehicle of a specific class and for a specific parking place subject to conditions determined by the PDNPA.
50. A season ticket is only valid in the parking place(s) in respect of which it was issued, for the vehicle in respect of which it was issued and up to the date of expiry shown on the season ticket
51. The driver shall abide by the terms stipulated by the PDNPA for the use of the season ticket.

#### Permits

52. The PDNPA or a body authorised by it in writing may issue a permit to an owner of a vehicle and that permit shall be valid in such parking places as are specified thereon or in the conditions subject to which it is issued and during the period for which it is issued.
53. The driver of a vehicle who displays a permit issued by the PDNPA or a body authorised by it in writing shall be entitled, so long as the permit remains valid, to park without further payment in any parking place in respect of which that permit has been issued but otherwise subject in all respects to the provisions of this Order.

#### Replacement season tickets/ permits and refunds

54. Damaged or lost season tickets or permits will be replaced on application to the PDNPA or body authorised by it in writing and on payment of an administration fee to be determined from time to time by the PDNPA Council or a body authorised by it in writing. The damaged or lost season ticket / parking permit will then become immediately invalid.
55. Refunds will not be made for unused periods of a parking permit.

56. A season ticket remains the property of the PDNPA or body authorised by it in writing and must be surrendered on request. In such instances any refund of fee paid will be provided in accordance with the PDNPA or authorised body's policy in place at that time.
57. The holder of a season ticket may, on surrendering the season ticket, be entitled to a refund based upon the Council or authorised body's policy in place at that time.

#### Restriction on removal

58. When a pay and display ticket or season ticket has been exhibited on a vehicle in the relevant position no person shall remove the pay and display ticket or season ticket / parking permit from the vehicle until the vehicle is removed from the parking place.

### **PART 4 EXEMPTIONS**

#### Exemption from daily charge

59. No daily charge shall be payable in respect of;
- (i) a vehicle which displays in the relevant position a valid disabled person's badge provided that the vehicle immediately before or after the act of parking has been used or is about to be used by the person(s) in respect of whom the badge is issued;
  - or
  - (ii) a vehicle parked displaying in a relevant position a season ticket valid for that parking place.

#### Absence of Ticket machine

60. If at the time when a vehicle is parked in a parking place during the charging hours there is no ticket machine at the parking place, or all the ticket machines at that parking place carry notices placed upon them by a person duly authorised by the PDNPA indicating that they are out of order, the driver of that vehicle shall be exempt from purchasing a pay and display ticket.

#### Payment by alternative approved method of payment

61. Where arrangements to pay the daily charge have been made through an alternative approved method of payment and no pay and display ticket is produced by following the process, the driver of a vehicle shall be exempt from the requirement to display such a ticket.

### **PART 5**

#### **RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES**

#### Emergencies

62. A person authorised by the PDNPA or by a body authorised in writing by it may, using such measures as are appropriate, move or cause to be moved in the case of an emergency to any place he/she thinks fit, any vehicle parked in a parking place.

#### Contraventions in suspended parking place

63. A person authorised by the PDNPA or by a body authorised in writing by it may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any vehicle parked in a parking place which has been closed or suspended in whole or in part by the Council or a body authorised in writing by it and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

#### Safe keeping

64. Any person removing a vehicle from a parking place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

#### Disposal of vehicles abandoned in parking places

65. The PDNPA or a body authorised by it in writing may sell or otherwise dispose of, in accordance with current legislation, a vehicle which has been, or could at any time be, removed from a parking place if the vehicle appears to have been abandoned.

**PART 6**  
**CONTRAVENTION AND PENALTY CHARGE**

Contravention

66. Save for the provisions in Part 7, if a vehicle is parked in a parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable. A penalty charge notice may then be served and/or the vehicle may be removed from the location.
67. In the case of a vehicle in respect of which a penalty charge is payable a penalty charge notice showing the information required by Schedule 4B of the Traffic Management Act 2004 may then be issued by a civil enforcement officer in uniform, in accordance with Section 76 (3) of the said Act.
68. In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of the civil enforcement officer to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:
- a. The grounds on which the civil enforcement officer believes that the penalty charge is payable with respect to the vehicle;
  - b. The amount of the penalty charge which is payable;
  - c. That if the penalty charge must be paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion;
  - d. That if the penalty charge is not paid before the end of the 28 day period a notice to owner may be served by the Council on the person appearing to be the owner of the vehicle; and
  - e. The address to which payment of the penalty charge must be made or sent.
69. The methods by which payment of the penalty charge shall be made, which shall be delivered or sent by post to reach the Council to arrive not later than the fourteenth day following the day on which the penalty charge notice was issued provided that if the said fourteenth day falls upon a day on which the offices of the Council are closed the period within which the said charge shall be paid to the Council shall be extended until the next full day on which the said offices of the Council are open.

70. If the penalty charge is not paid within 28 days of the notice to owner, the charge may be increased by 50% on the issue of a charge certificate in accordance with the provisions of the Traffic Management Act 2004.
71. Continuing failure to pay may result in a judgment in the county court against the owner to enable the Council to recover payments due.
72. Any notice fixed to a vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of:
- (i) the Owner, or person in charge of, the vehicle;
  - (ii) the Council [or the PDNPA] for the parking place in which the vehicle in question was found.
73. If a vehicle is left after a penalty charge has been incurred, a civil enforcement officer in uniform or a person acting under his direction may attach to the vehicle an immobilisation device and a notice in accordance with the requirements of the Traffic Management Act 2004 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be a reduced penalty charge, along with such release fee as may be required by the Council.
74. The particulars given in any notice served on a vehicle in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

## **PART 7**

### **LIABILITY AND OTHER PROVISIONS**

#### Liability

75. The Council and the PDNPA accept no liability for the loss or damage to vehicles or other property left in any of the parking places to which this Order applies save for that arising from the negligence of the Council and the PDNPA.



Validity

76. If a court, the Department for Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

**The COMMON SEAL  
Of THE DERBYSHIRE COUNTY COUNCIL  
was hereunto affixed  
in the presence of**

**Director of Legal Services**

**Dated this        day of        2018**

**THE DERBYSHIRE COUNTY COUNCIL (PEAK DISTRICT NATIONAL PARK) (OFF-STREET PARKING PLACES)**

**ORDER 2017**

**SCHEDULE**

**Part 1-**

<b>Car park name</b>	<b>Map no</b>	<b>Position of parking</b>	<b>Class of vehicle</b>	<b>Hours of operation</b>	<b>Charging hours</b>	<b>Scale of charges</b>	<b>Method</b>
Alsop Station	1	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Bakewell Station	2	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Bowden Bridge	3	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Hartington Station	4	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Hollin Bank	5	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Hurdlow	6	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Mapleton Lane	7	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Mapleton Lane overspill	8	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Millers Dale	9	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Parsley Hay	10	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display

Tideswell Dale	11	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Tissington	12	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Torside	13	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
White Lodge	14	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Wyedale	15	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display

## Part 2 - Charging

Charging hours are from 9am to 6pm all year.

<b>Standard Charges (1) are</b>			
Cars / minibuses			
	Up to 1 hours		£1.50
	Up to 2 hours		£2.50
	Up to 4 hours		£4.00
	All day		£4.75
Motorbikes	All day		£1.50
Horse boxes / lorries (where applicable)	Up to 2 hours		£4.00
	All day		£7.00
Coaches (where permitted)	Any two hour period		£4.00
Parking permits			
• Annual permit			£40.00
• Single horse box/ trailer permit (annual)			£40.00
• Holiday permit (weekly)			£15.00
Disabled persons badge holders			FREE
Cycles			FREE
<b>Standard Charges (2) are</b>			
Parked without payment of the parking charge			£50.00

Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.			£70.00
Parking in a restricted area in a car park			£70.00
Parking after the expiry of paid for time			£50.00
Parking in a pay and display car park without clearly displaying a valid pay and display ticket or parking permit			£50.00
Parked beyond bay markings			£50.00
Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge			£70.00
Vehicle parked exceeds maximum weight and / or height and / or length permitted in the area			£70.00
Parking in an area not designated for that class of vehicle			£70.00
Parked causing an obstruction			£70.00
Parked in car park when closed			
Parked with engine running where prohibited			£50.00
The excess charge shall be reduced by 50% if payment is received by the Authority within 14 days of notification.			

**DERBYSHIRE COUNTY COUNCIL**

**PEAK DISTRICT NATIONAL PARK (OFF STREET PARKING PLACES) ORDER 2018**

**Notice of Proposal**

**NOTICE** is hereby given that Derbyshire County Council proposes to make an Order under its powers contained in sections 33(4), 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") as amended, the provisions of the Traffic Management Act 2004 ("the 2004 Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part IV of Schedule 9 to the Act of 1984

The effect of the order will be to make provisions in the Schedule set out hereto with respect to the parking places listed below:

- (a) make the provisions of the Derbyshire County Council Peak District National Park (Off Street Parking Places) Order 2018;
- (b) introduce regulation of Peak District National Park Car Parks as set out below; and
- (c) introduce charges for car parking as set out below.

<b>Car park name</b>	<b>Map no</b>	<b>Position of parking</b>	<b>Class of vehicle</b>	<b>Hours of operation</b>	<b>Charging hours</b>	<b>Scale of charges</b>	<b>Method</b>
Alsop Station	1	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Bakewell Station	2	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Bowden Bridge	3	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Hartington Station	4	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Hollin Bank	5	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Hurdlow	6	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Mapleton	7	In defined	Cars and	All days	9 am to	Standard	Pay and

Lane		area	light goods vehicles inc. minibuses	all hours	6pm		display
Mapleton Lane overspill	8	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Millers Dale	9	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Parsley Hay	10	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Tideswell Dale	11	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Tissington	12	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Torside	13	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
White Lodge	14	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display
Wyedale	15	In defined area	Cars and light goods vehicles inc. minibuses	All days all hours	9 am to 6pm	Standard	Pay and display

Standard Charges (1) are			
Cars / minibuses			
	Up to 1 hours		£1.50
	Up to 2 hours		£2.50
	Up to 4 hours		£4.00
	All day		£4.75

Motorbikes	All day		£1.50
Horse boxes / lorries	Up to 2 hours		£4.00
(where applicable)	All day		£7.00
Coaches	Any two hour period		£4.00
(where permitted)			
Parking permits			
• Annual permit			£40.00
• Single horse box/ trailer permit (annual)			£40.00
• Holiday permit (weekly)			£15.00
Disabled persons badge holders			FREE
Cycles			FREE
<b>Standard Charges (2) are</b>			
Parked without payment of the parking charge			£50.00
Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.			£70.00
Parking in a restricted area in a car park			£70.00
Parking after the expiry of paid for time			£50.00
Parking in a pay and display car park without clearly displaying a valid pay and display ticket or parking permit			£50.00
Parked beyond bay markings			£50.00
Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge			£70.00
Vehicle parked exceeds maximum weight and / or height and / or length permitted in the area			£70.00
Parking in an area not designated for that class of vehicle			£70.00
Parked causing an obstruction			£70.00
Parked in car park when closed			
Parked with engine running where prohibited			£50.00
The excess charge shall be reduced by 50% if payment is received by the Authority within 14 days of notification.			

A copy of this Notice, the draft order and the plans may be inspected free of charge at:  
Peak District National Park Authority, Aldern House, Baslow Road, Bakewell DE45 1AE  
Derbyshire County Council, County Hall, Matlock DE4 3AG  
Ashbourne Library, Compton, Ashbourne DE6 1DA  
Bakewell Library, Granby Street, Bakewell DE45 1ES  
Chapel en le Frith Library, Town Hall, Market Street, Chapel en le Frith, SK23 0HP  
Hayfield Library, Kinder Road, Hayfield, High Peak SK22 2HS

Hadfield Library, Railways Street, Hadfield, Glossop SK13 1AA  
Upper Derwent Visitor Centre, Fairholmes, Bamford, Hope Valley S33 0AQ  
Buxton Library, Kents Bank Road, Buxton SK17 9HW  
Castleton Visitor Centre, Buxton Road, Castleton, Hope Valley S33 8WN  
Glossop Library, Victoria Hall, Talbot Street, Glossop SK13 7DQ

during normal opening hours

If you wish to object to the proposed Order, you should send the grounds of your objection in writing to the undersigned by 26<sup>th</sup> April 2018

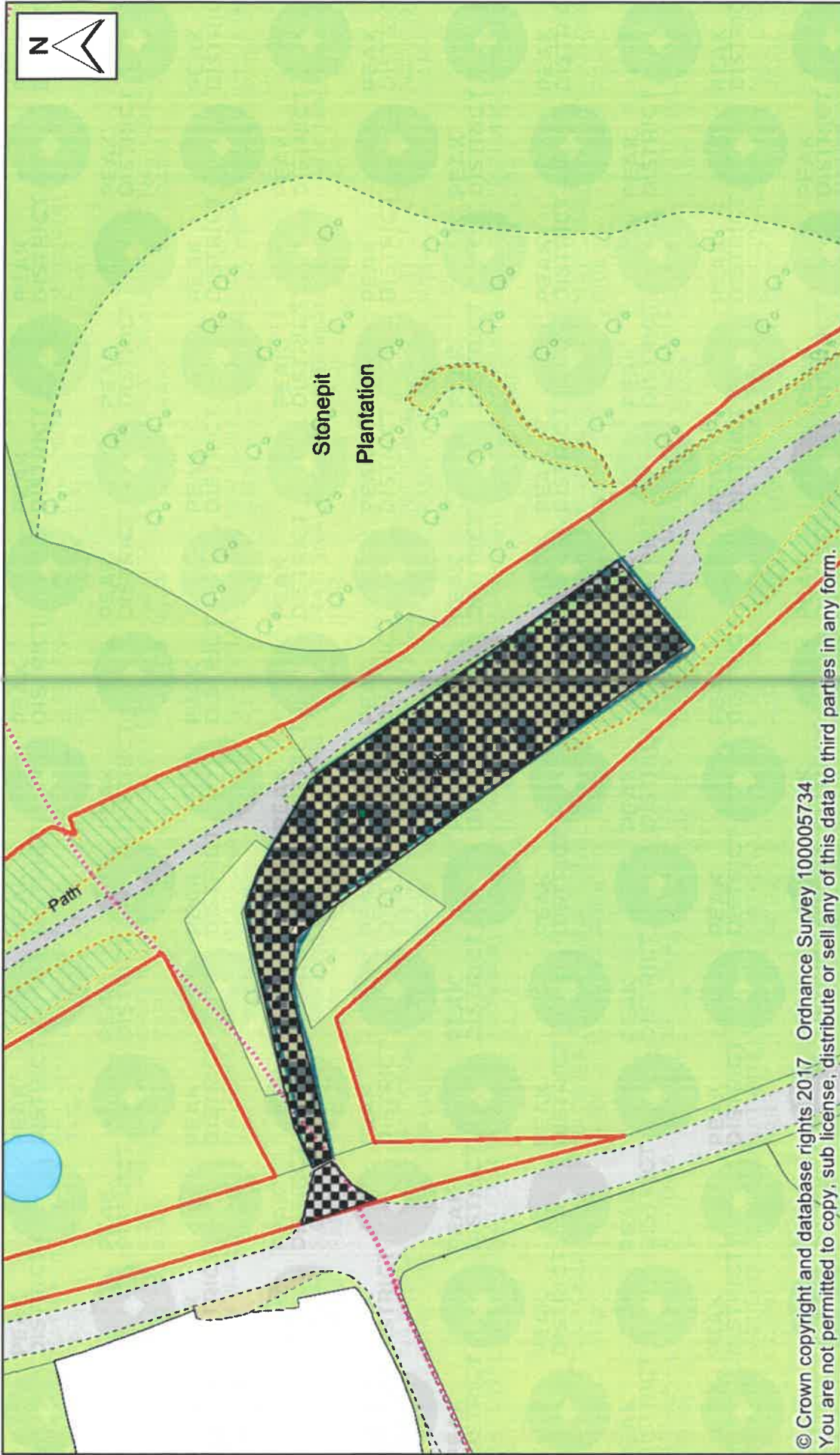
Dated: 29<sup>th</sup> March 2018


**Mike Ashworth**  
**Strategic Director, Economy, Transport and Environment Department**  
**County Hall**  
**Matlock**  
**Derbyshire**  
**DE4 3AG**

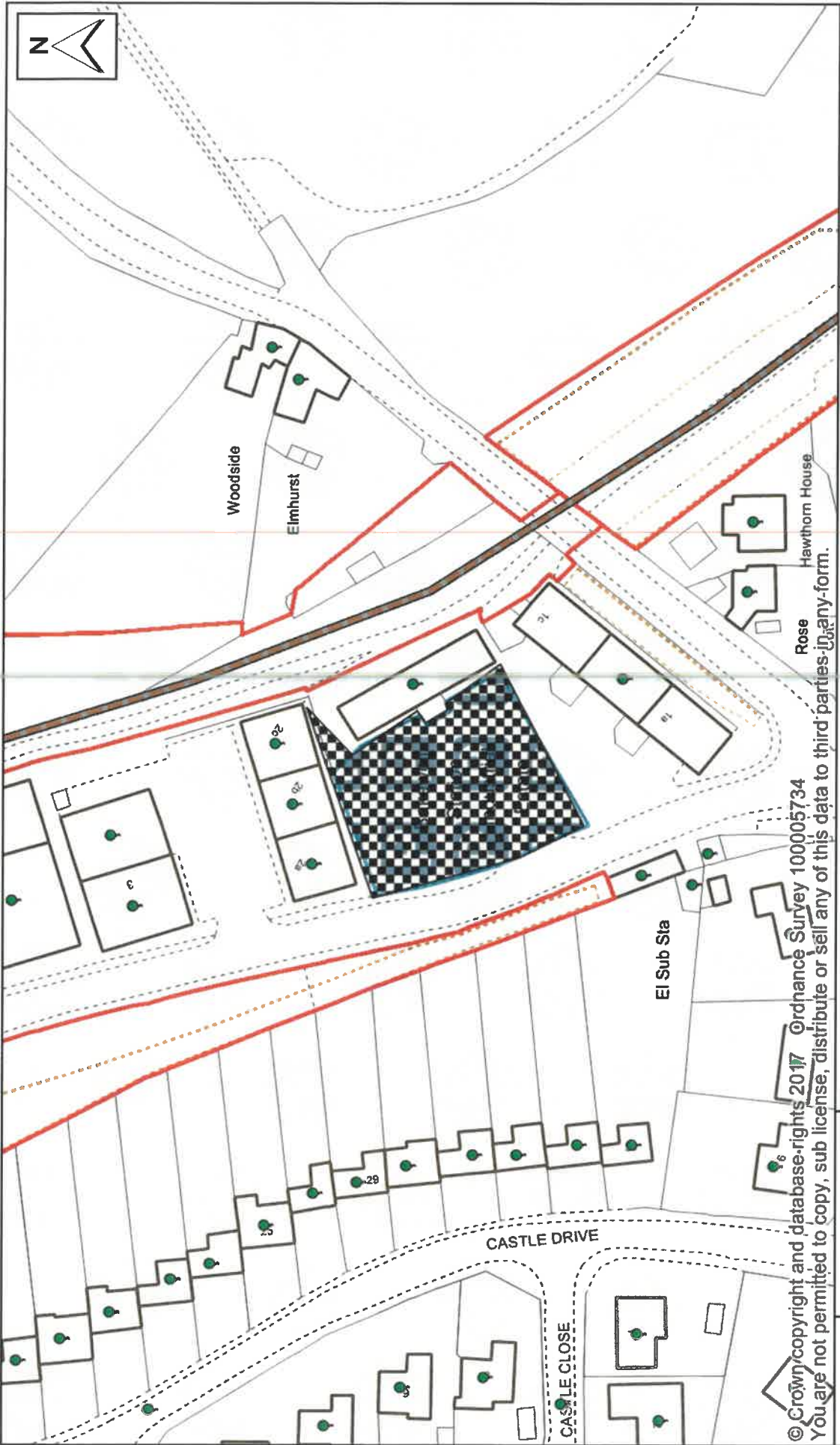
[parking@derbyshire.gov.uk](mailto:parking@derbyshire.gov.uk)

Case No: 69127



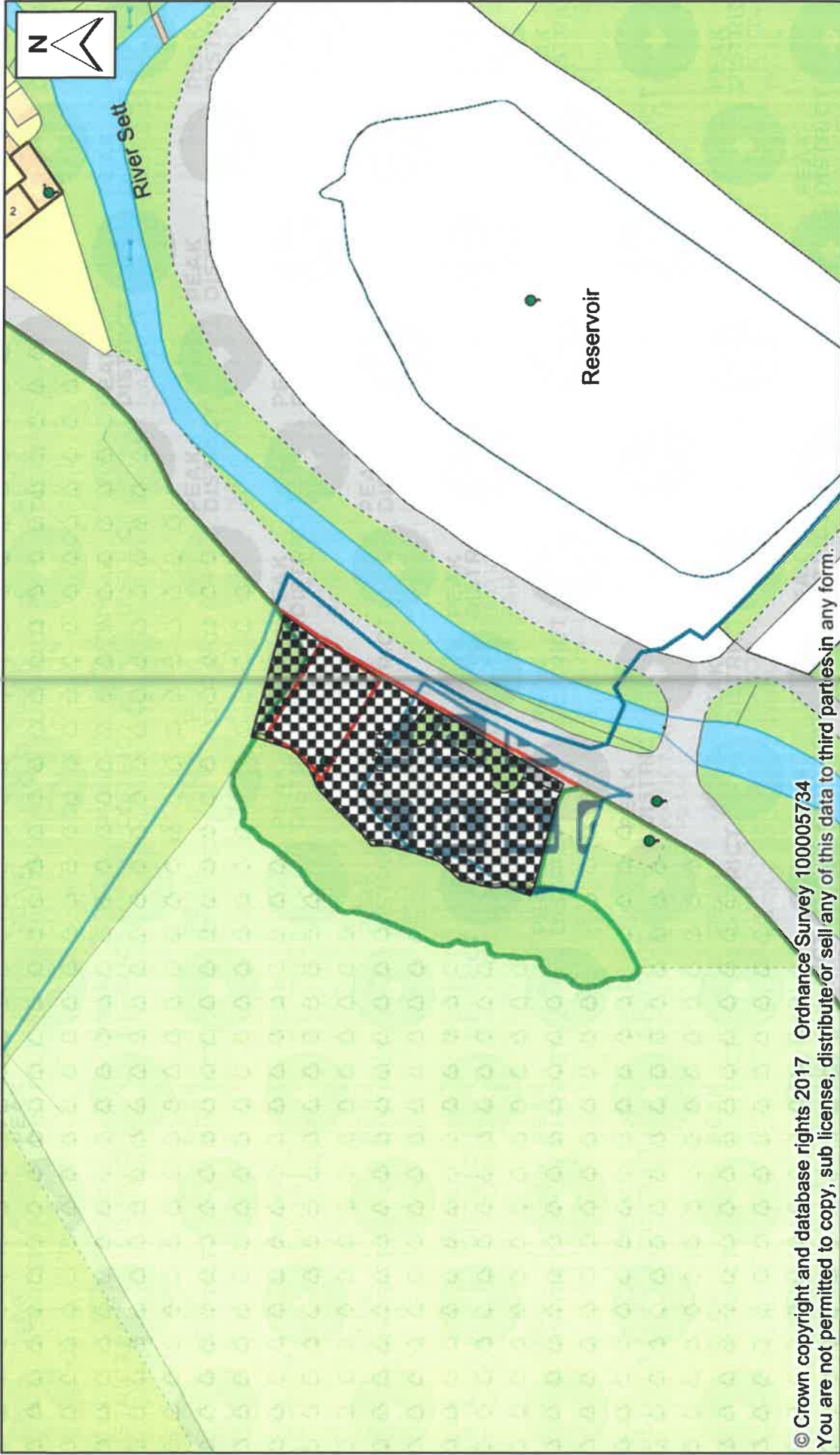


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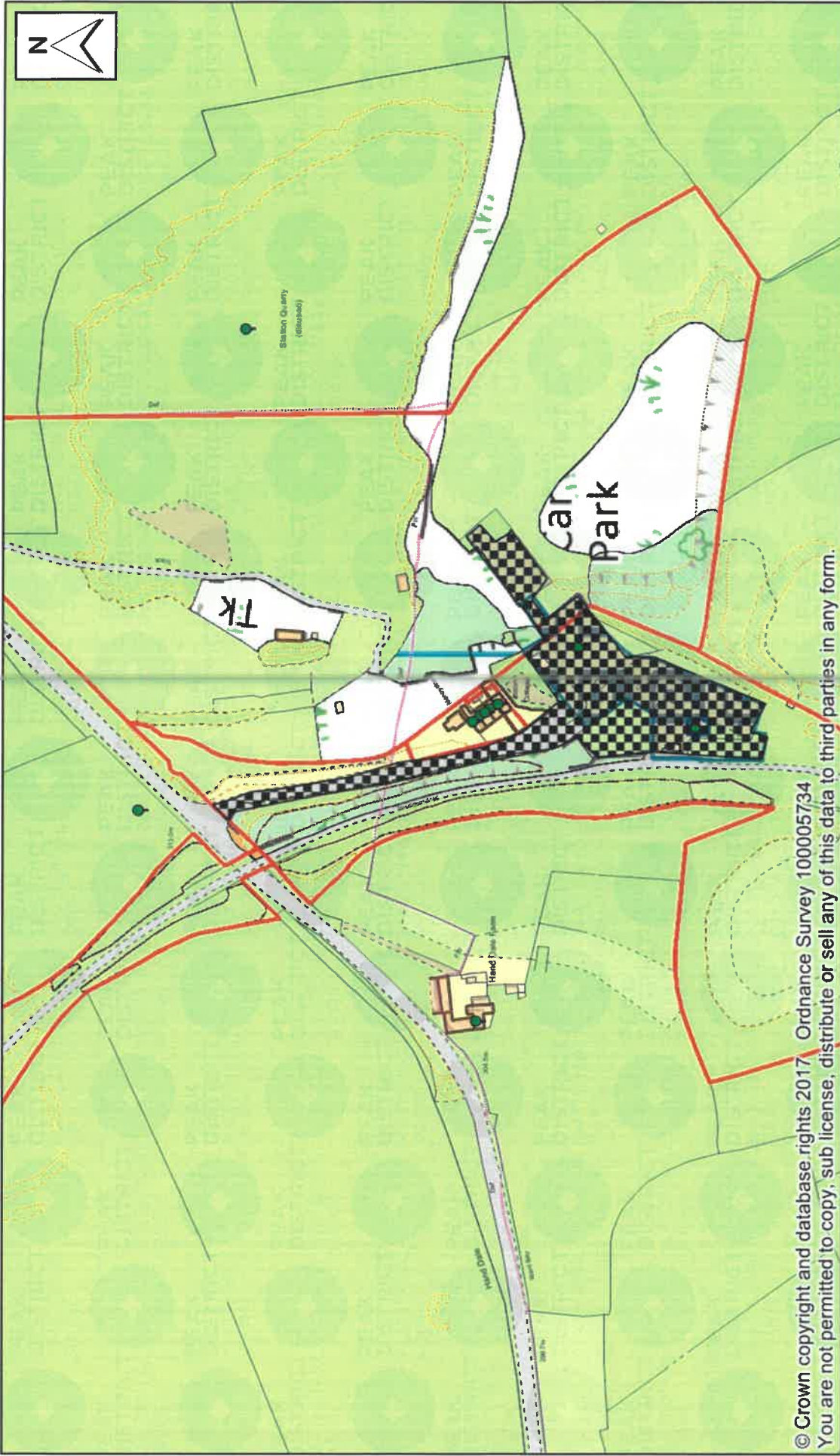


PEAK DISTRICT NATIONAL PARK	
MAP 2	
BAKEWELL STATION SHADING DENOTES DEFINED AREA	
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Date: 11 December 2017	
Drawing No:	
Scale: 1:1000 at A4	






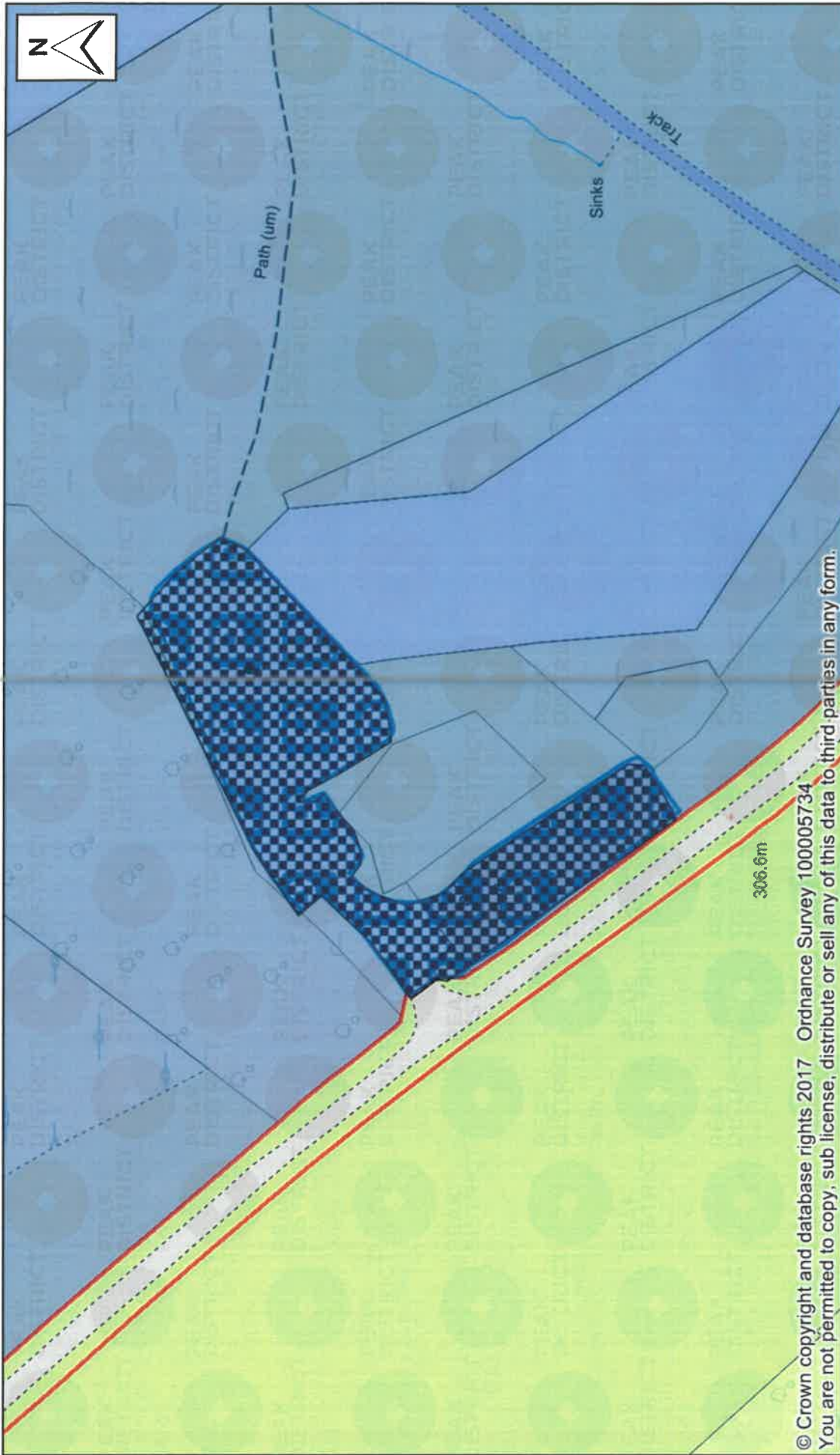
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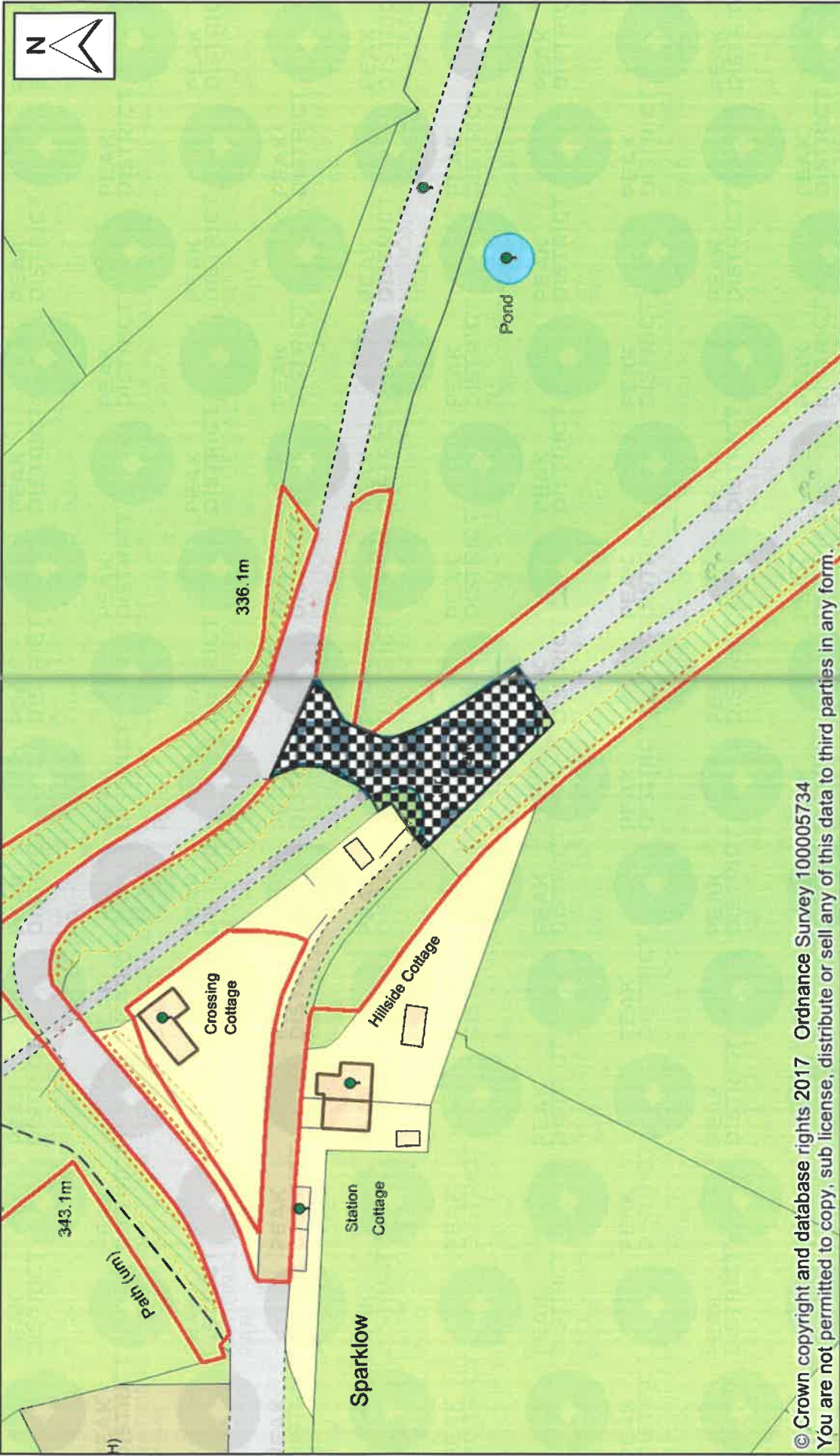
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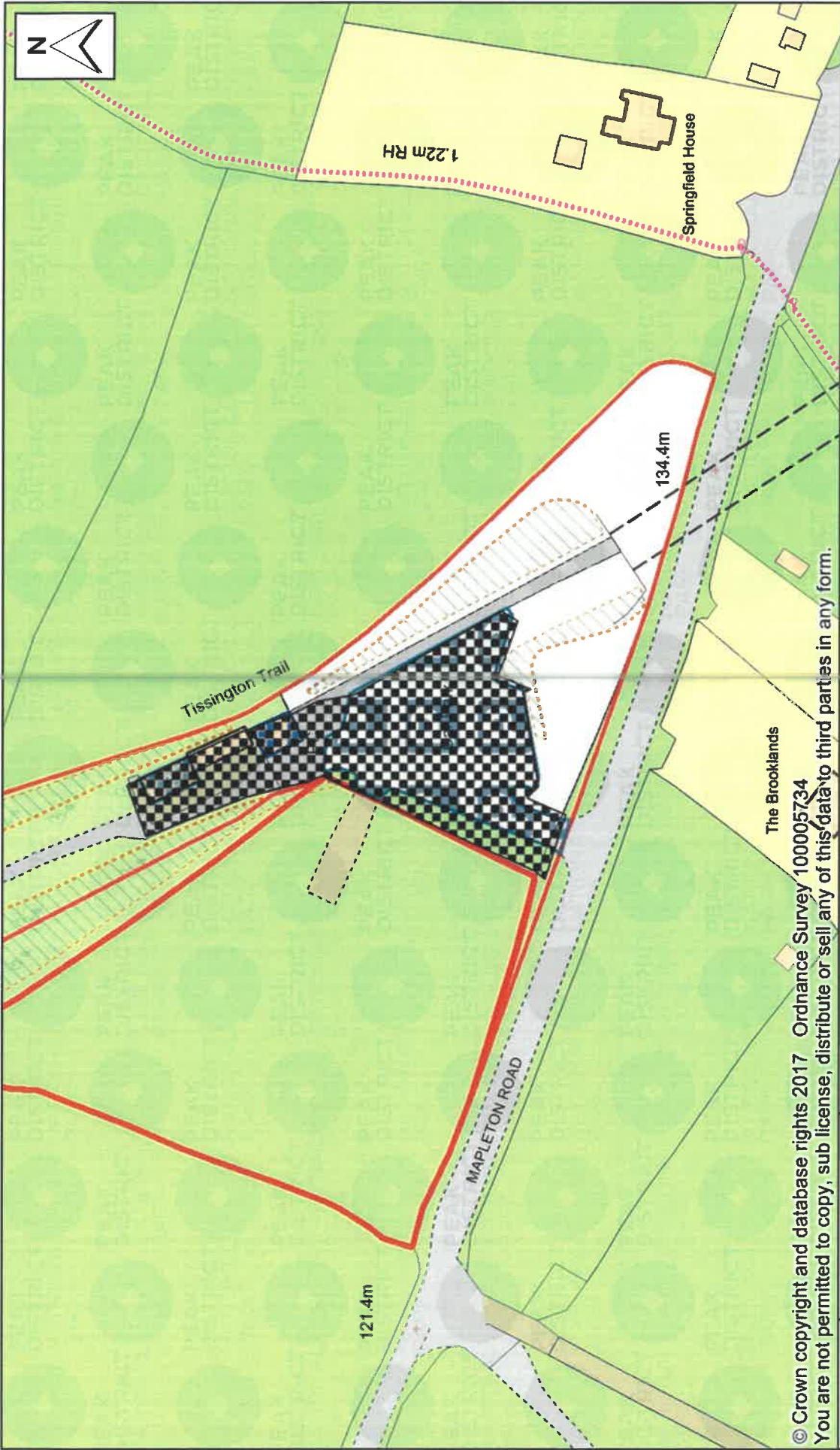
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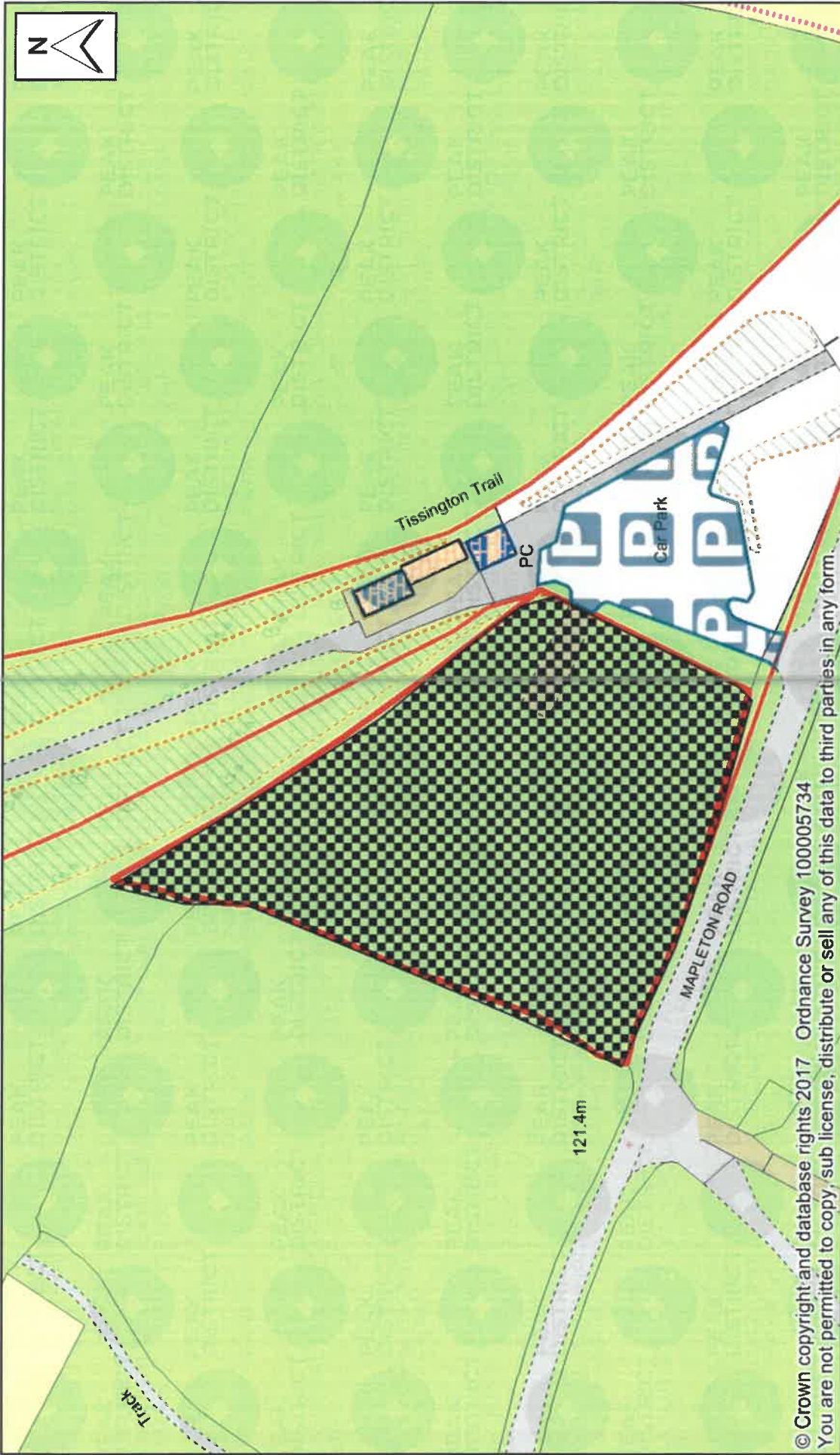
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Drawn by: Date: Drawing No: Scale:	Bray Chris 05 December 2017  1:1000 at A4	Title:  map 7 MAPLETON LANE SHADING DENOTES DEFINED AREA	 <b>PEAK DISTRICT NATIONAL PARK</b>
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**PEAK  
DISTRICT  
NATIONAL  
PARK**

**MAP 8**  
**MAPLETON LANE OVERSPILL**  
**SHADING DENOTES DEFINED AREA**

**Title:**

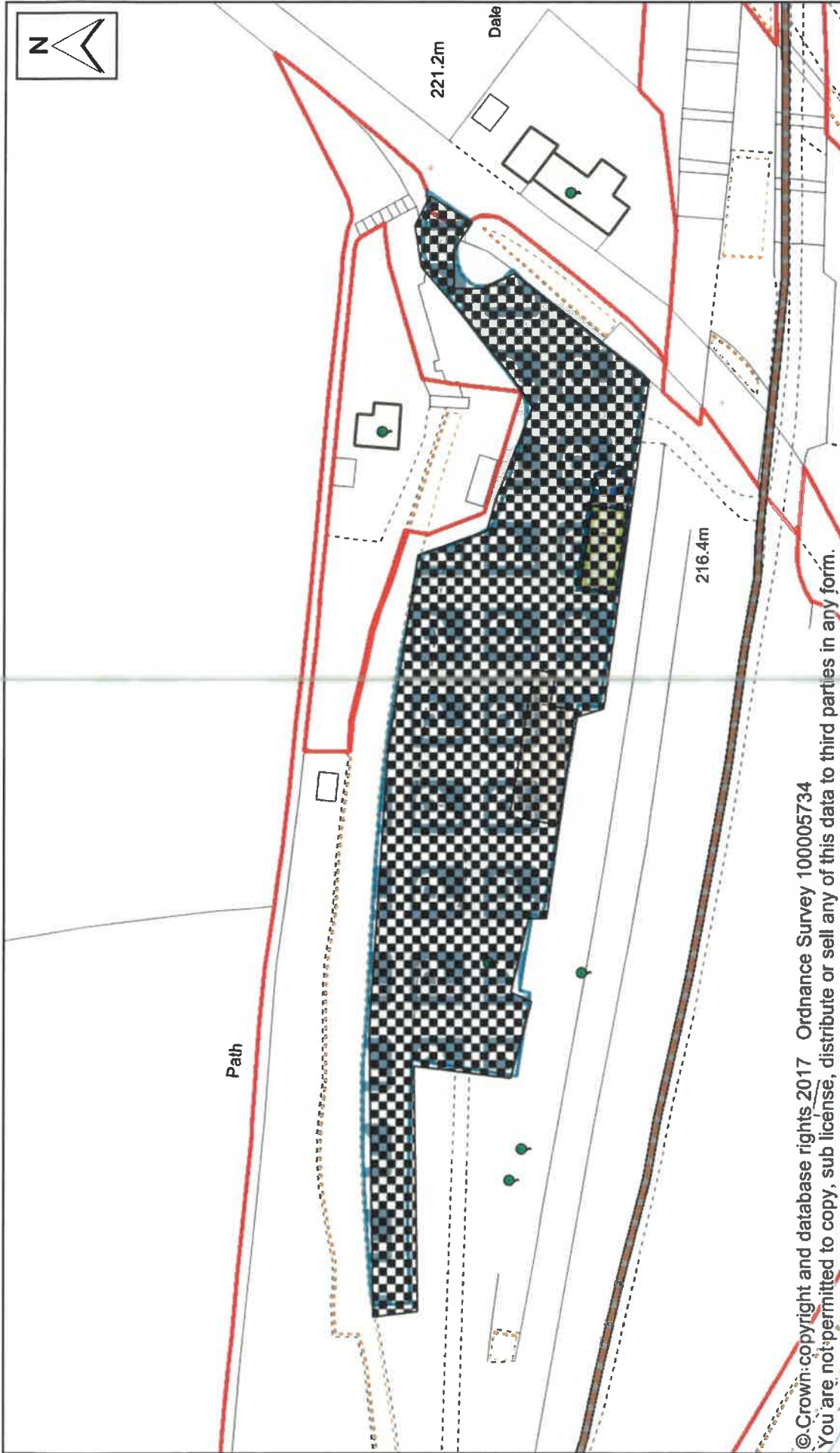
**Bray Chris**

**Date:**  
05 December 2017

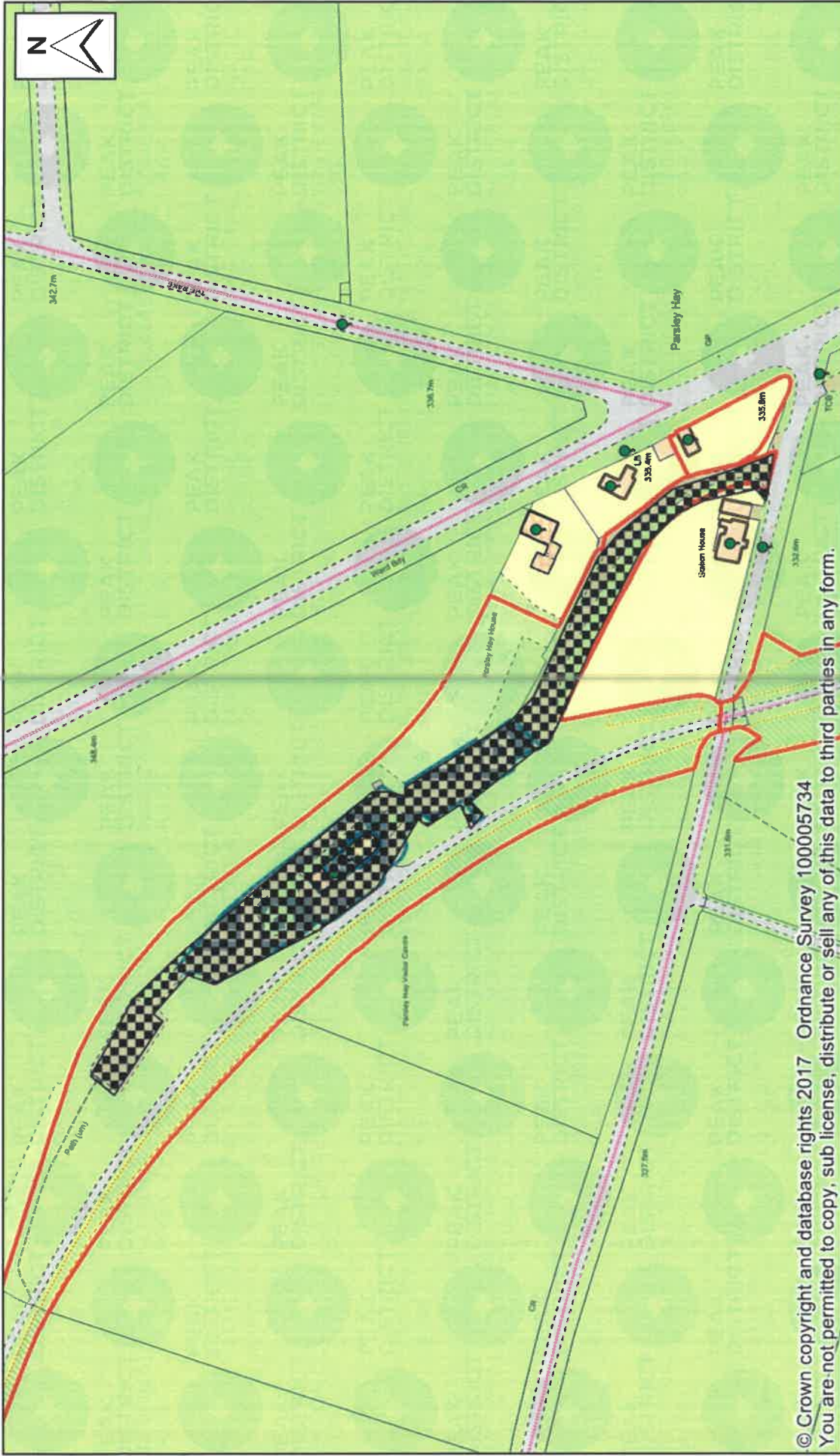
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**Scale:**  
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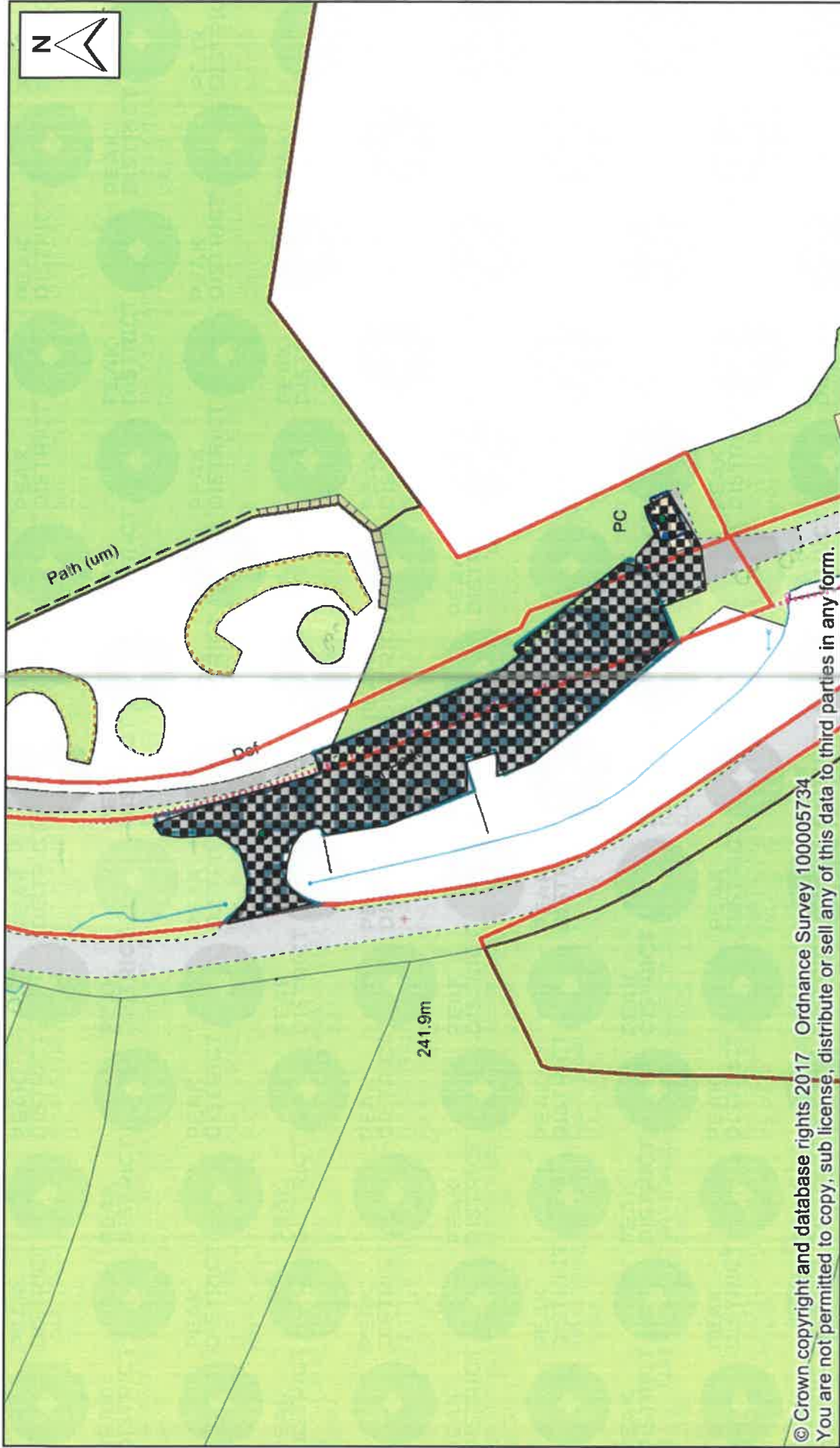


Drawn by: Date: Drawing No: Scale:	Bray Chris 06 December 2017  1:1000 at A4	Title:  MAP  Q MILLERSDALE SHADING DENOTES DEFINED AREA	 <b>PEAK DISTRICT NATIONAL PARK</b>
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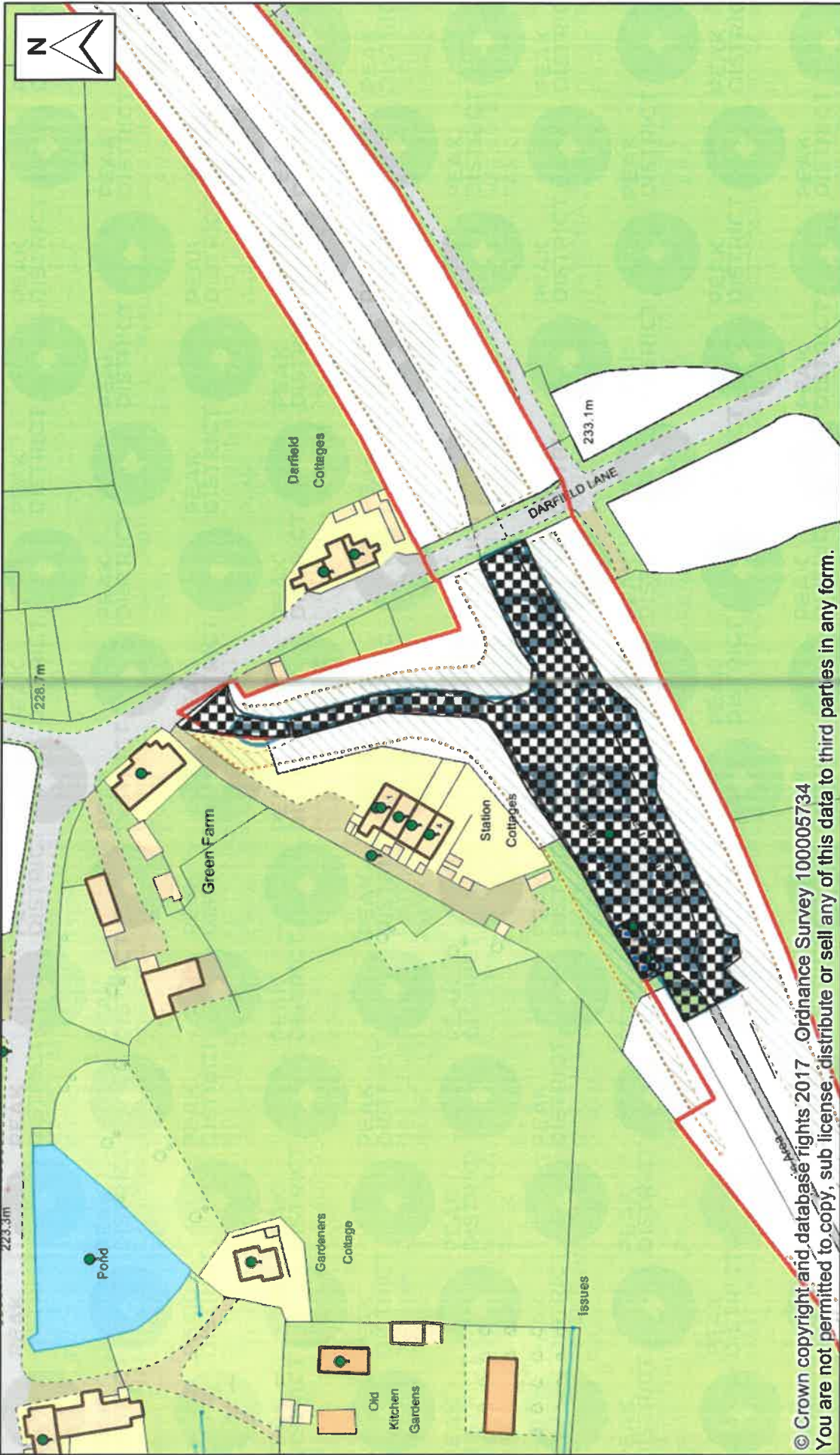


Drawn by: Bray Chris		Title: MAP 10 PARSLEY HAY SHADING DENOTES DEFINED AREA	 <b>PEAK DISTRICT NATIONAL PARK</b>
Date: 06 December 2017			
Drawing No:			
Scale: 1:2000 at A4			





Drawn by: Date: Drawing No: Scale:	Bray Chris 06 December 2017  1:1000 at A4	Title:  MAP 11 TIDESWELDALE SHADING DENOTES DEFINED AREA	 <b>PEAK DISTRICT NATIONAL PARK</b>
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MAP 12-  
 TISSINGTON  
 SHADING DENOTES DEFINED AREA

Title:

Bray Chris

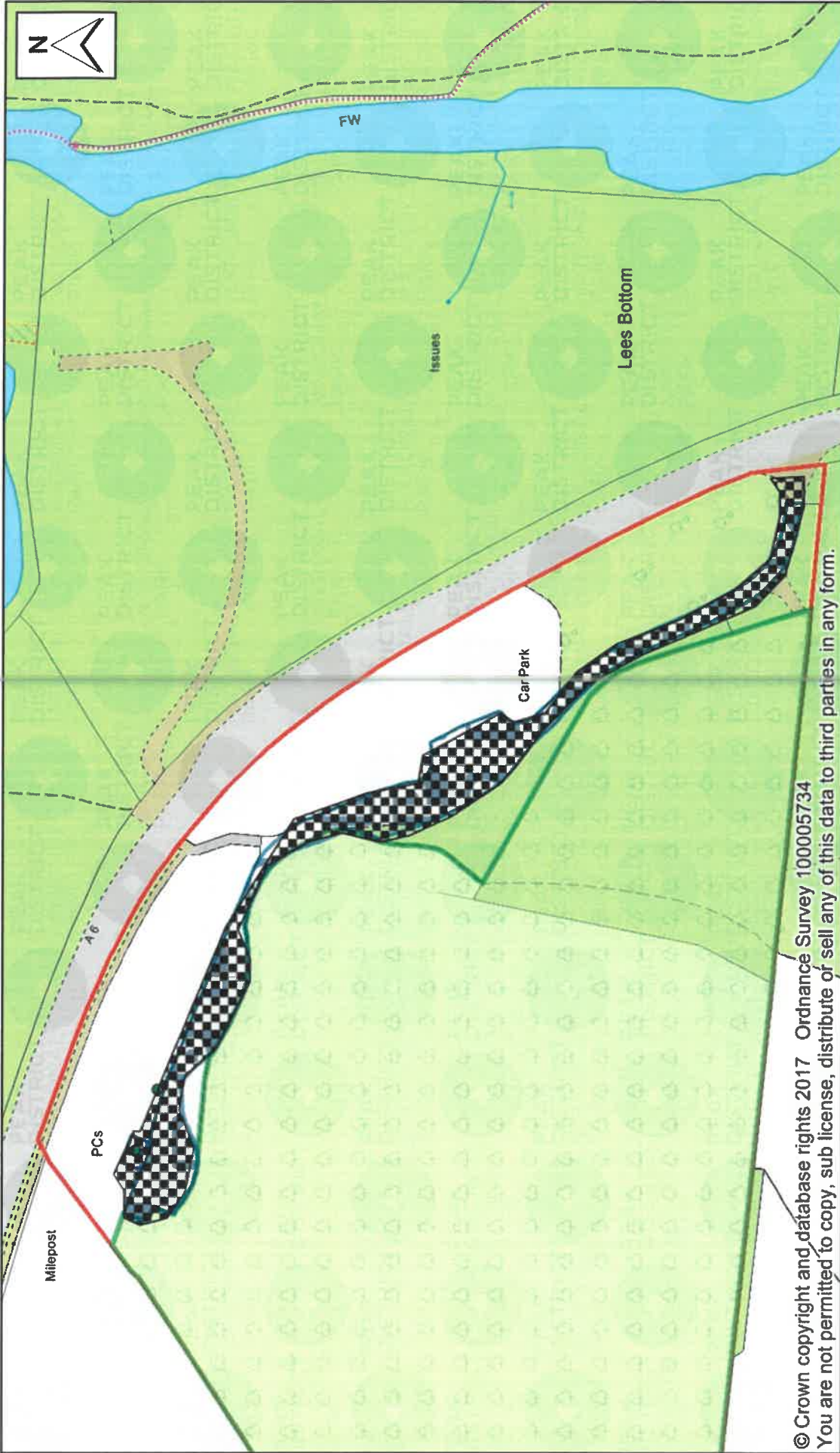
Date: 06 December 2017

Drawing No:

Scale: 1:1250 at A4







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Drawn by: Bray Chris

Date: 06 December 2017

Drawing No:

Scale: 1:1250 at A4

Title:

MAP 14

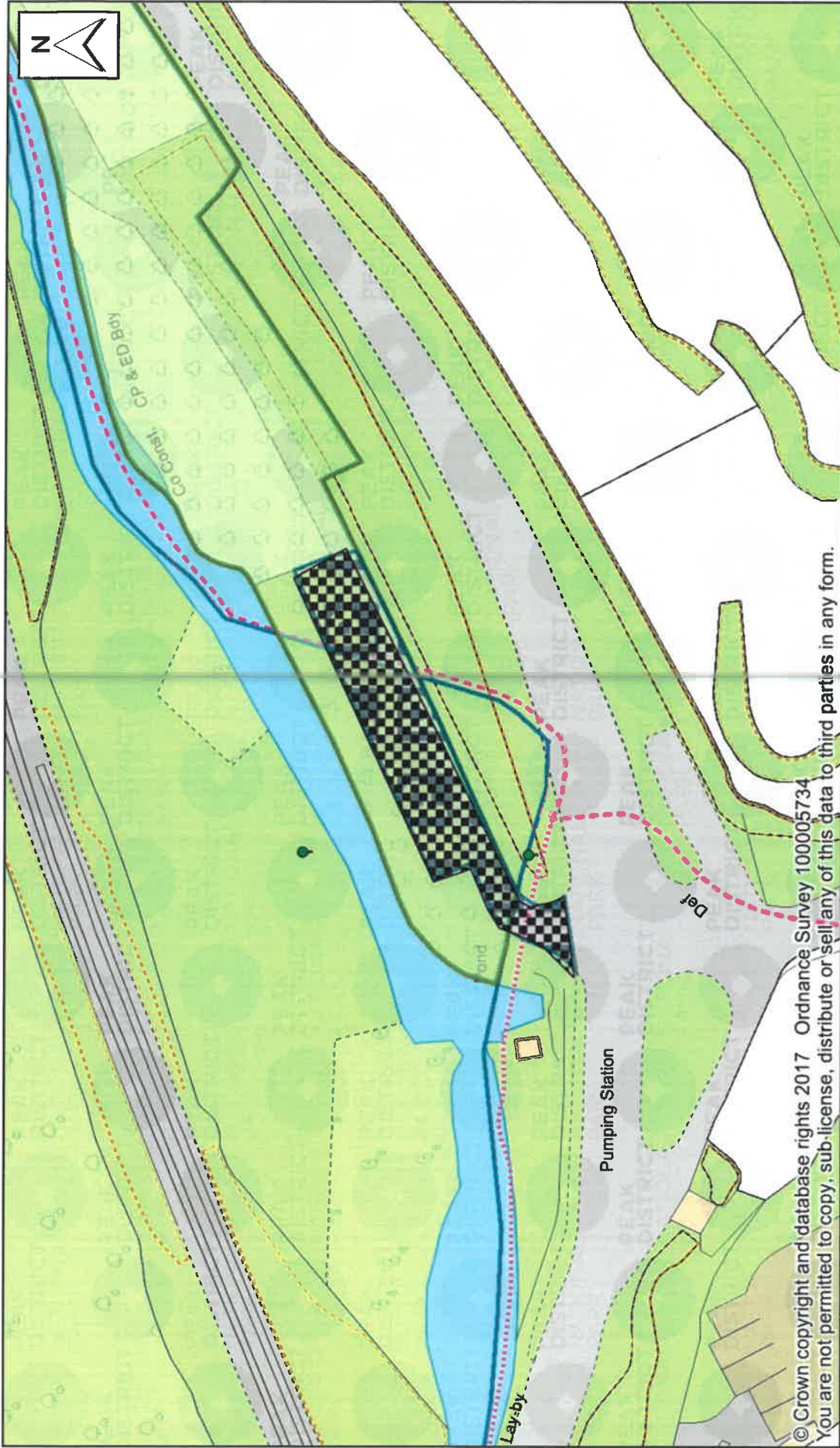
WHITE LODGE


SHADING DENOTES DEFINED AREA



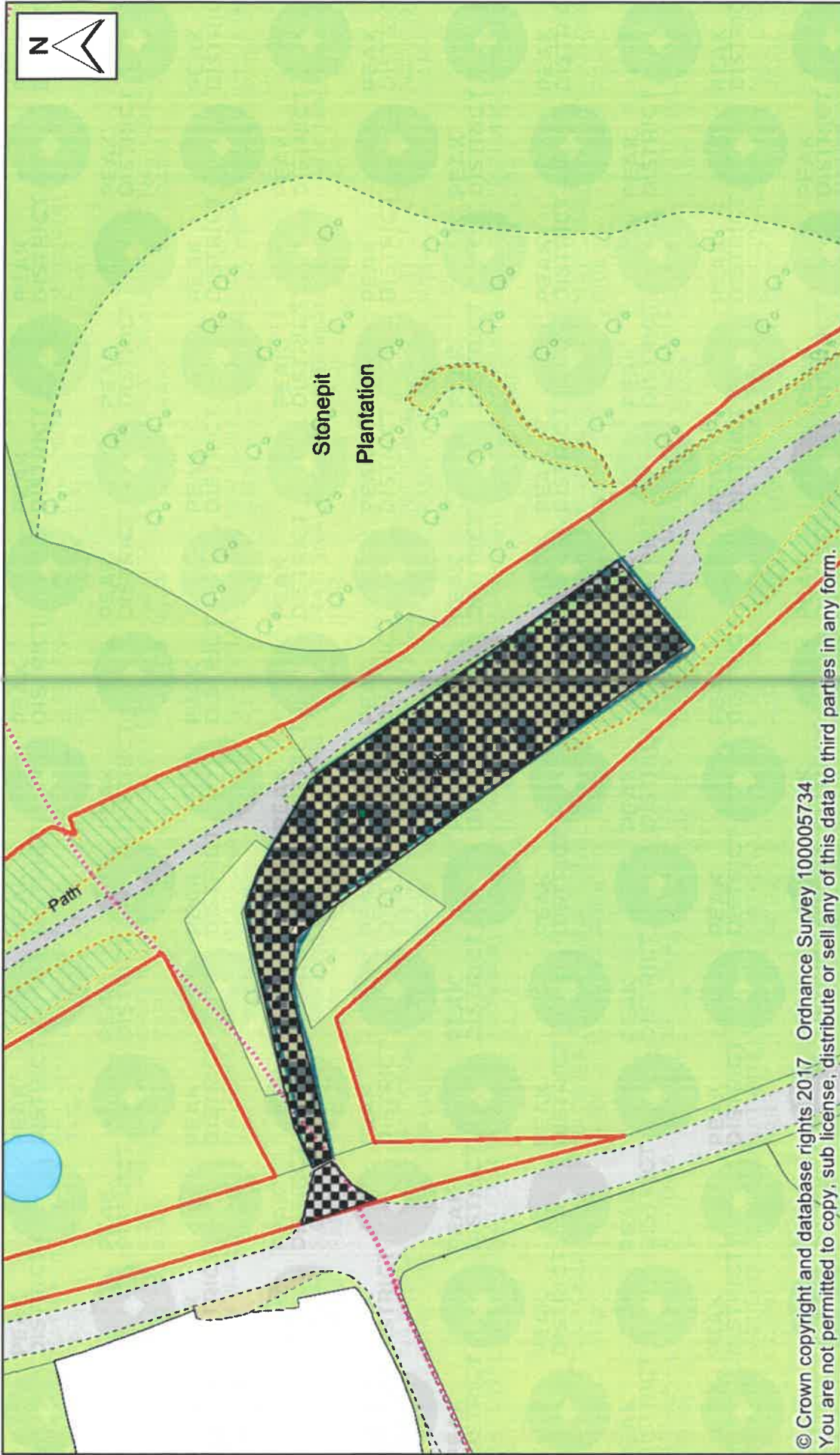
PEAK  
DISTRICT  
NATIONAL  
PARK






Drawn by: <b>Bray Chris</b> Date: <b>06 December 2017</b> Drawing No: Scale: <b>1:1000 at A4</b>	<b>Title:</b> <b>WYEDALE</b> <b>SHADING DENOTES DEFINED AREA.</b>	 <b>PEAK DISTRICT NATIONAL PARK</b>
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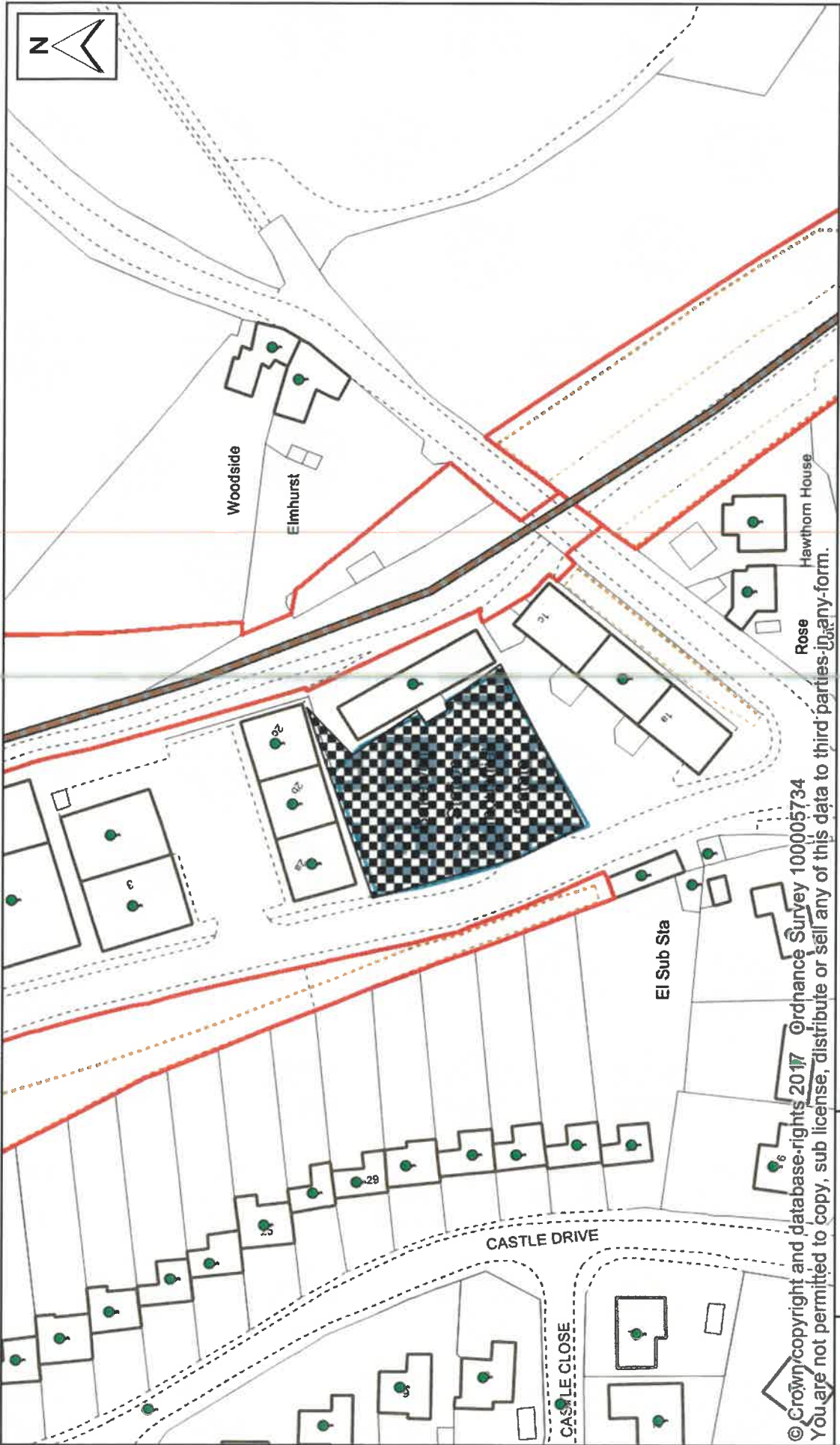




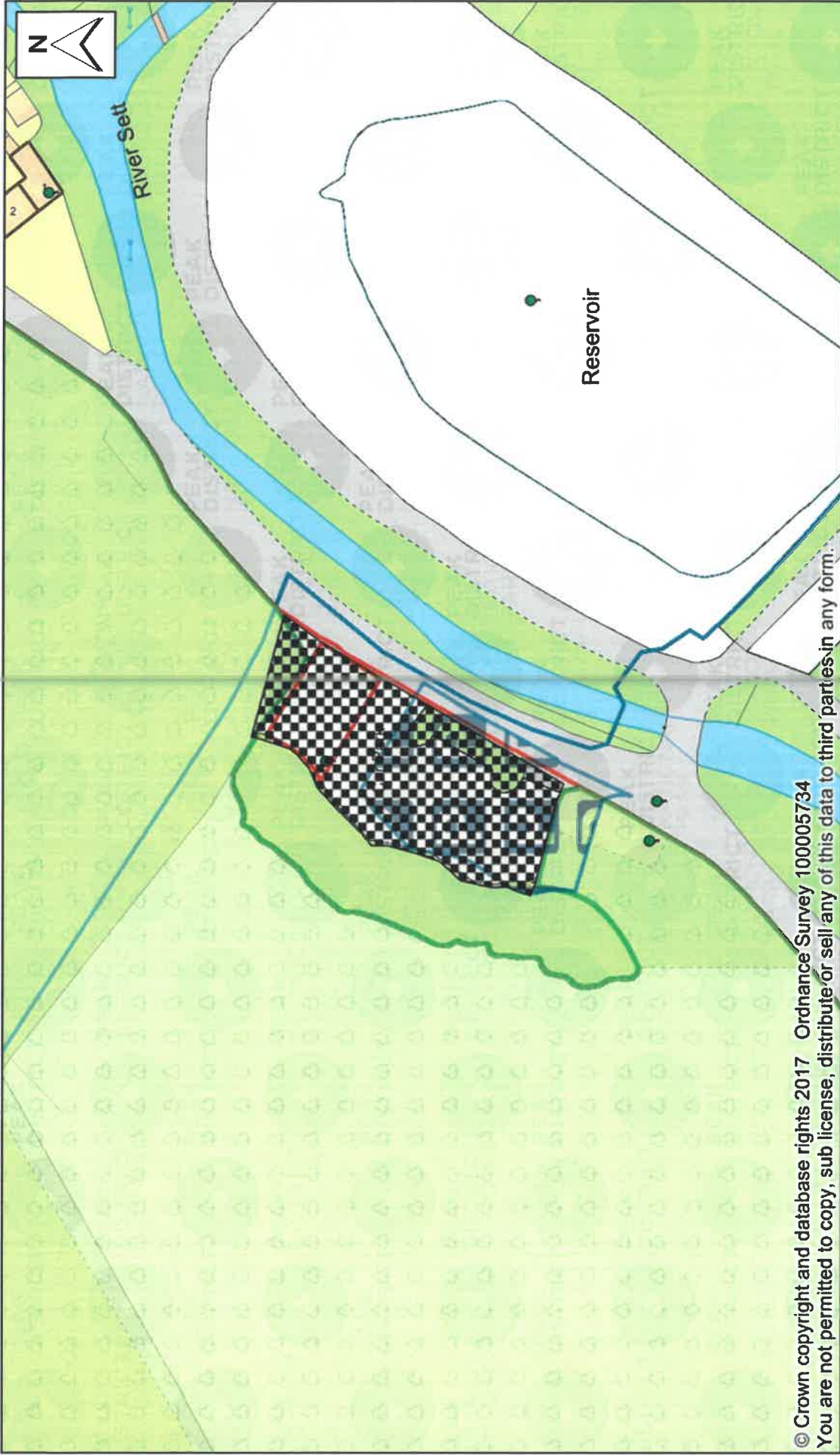
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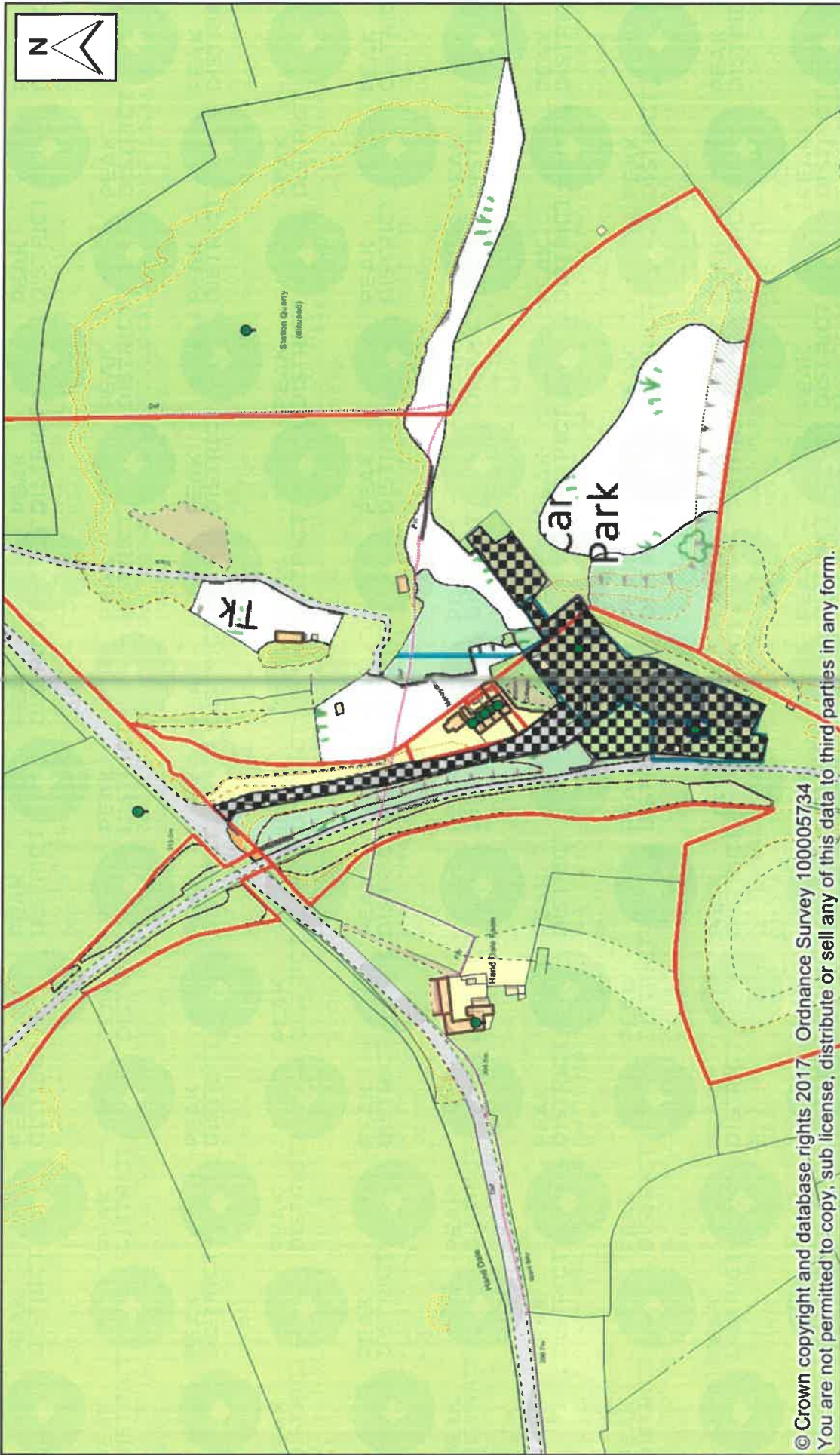


PEAK DISTRICT NATIONAL PARK	
MAP 2	
BAKEWELL STATION SHADING DENOTES DEFINED AREA	
Drawn by: Bray Chris	Title:
Date: 11 December 2017	
Drawing No:	
Scale: 1:1000 at A4	




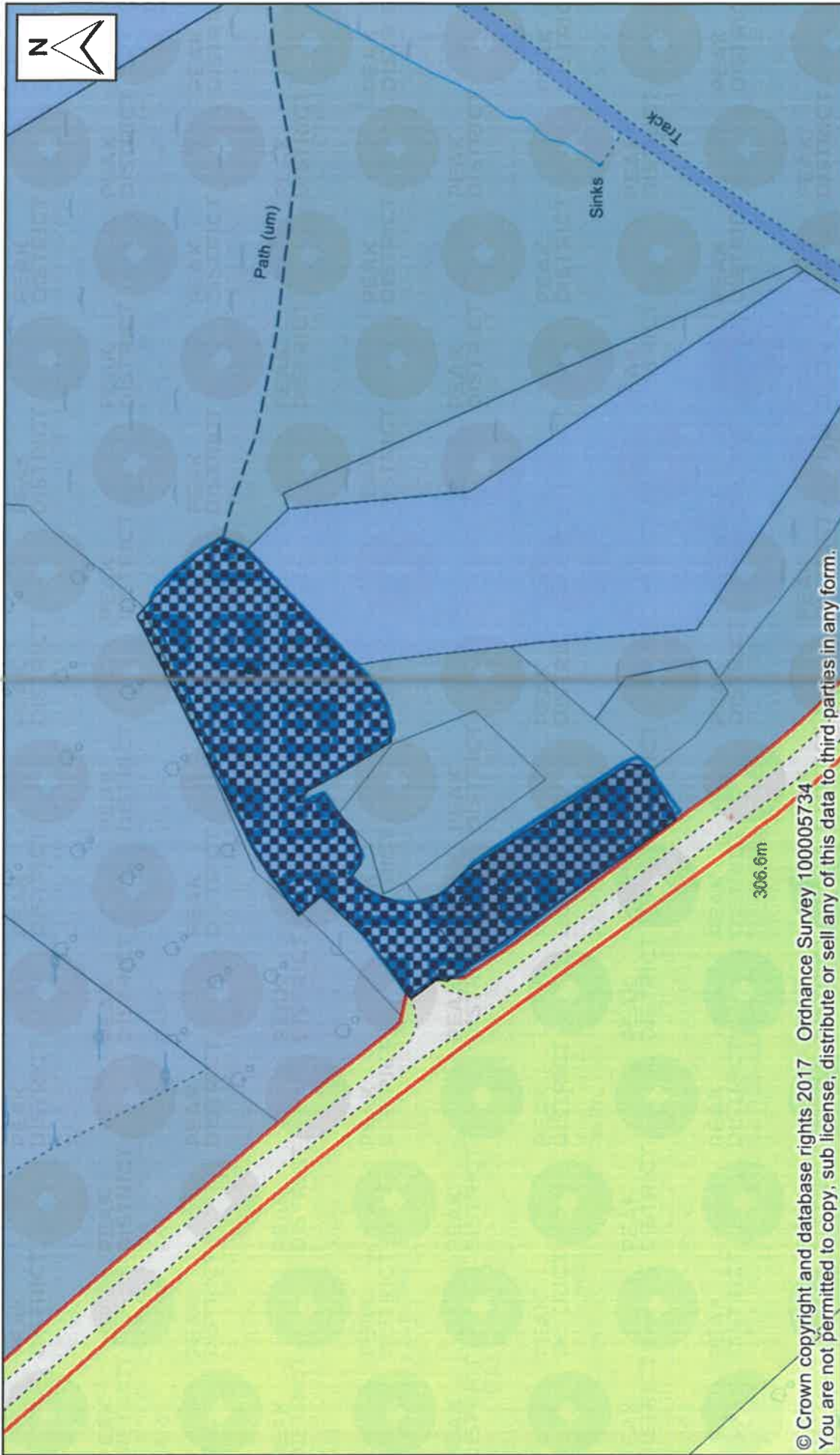
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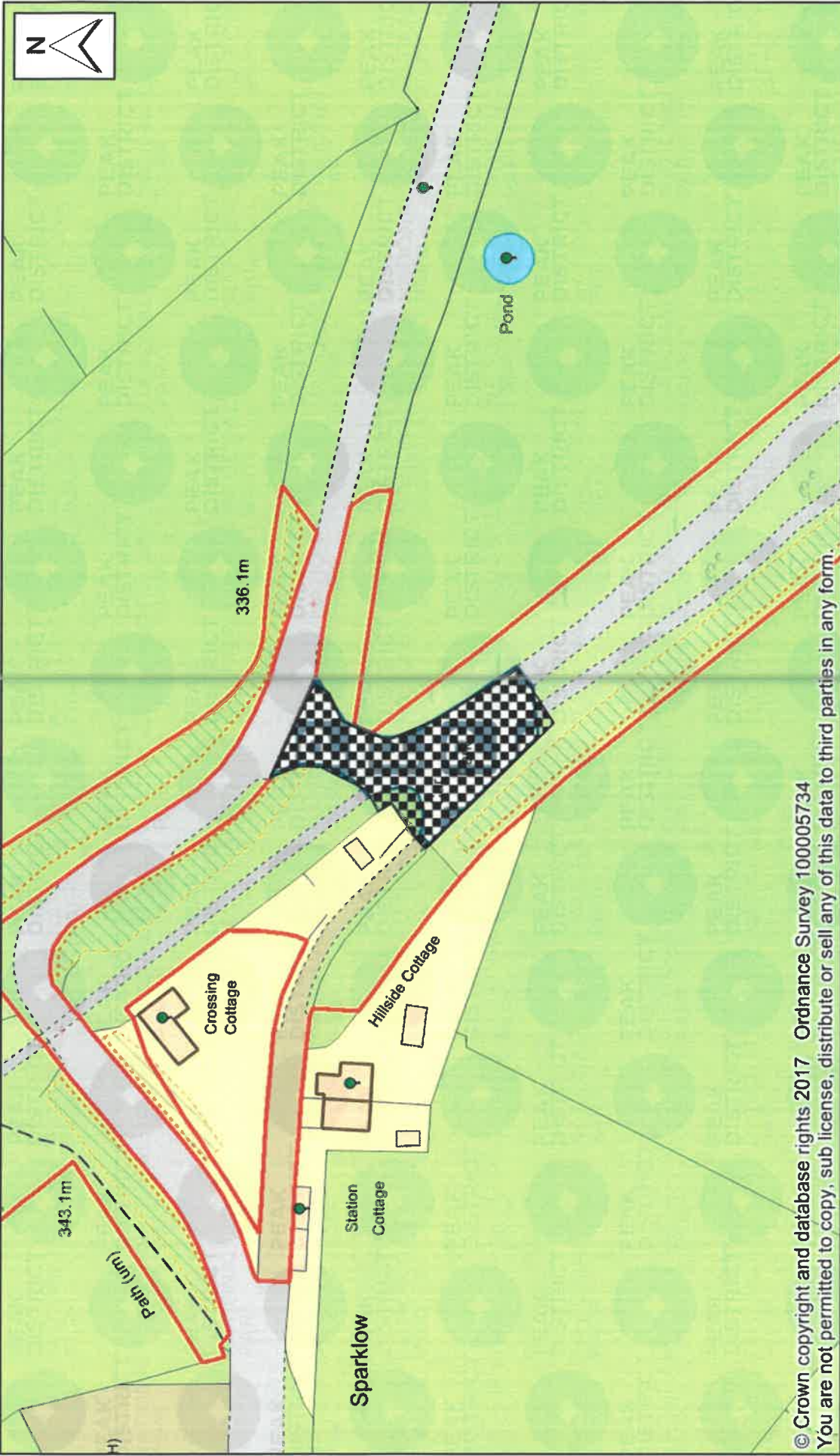
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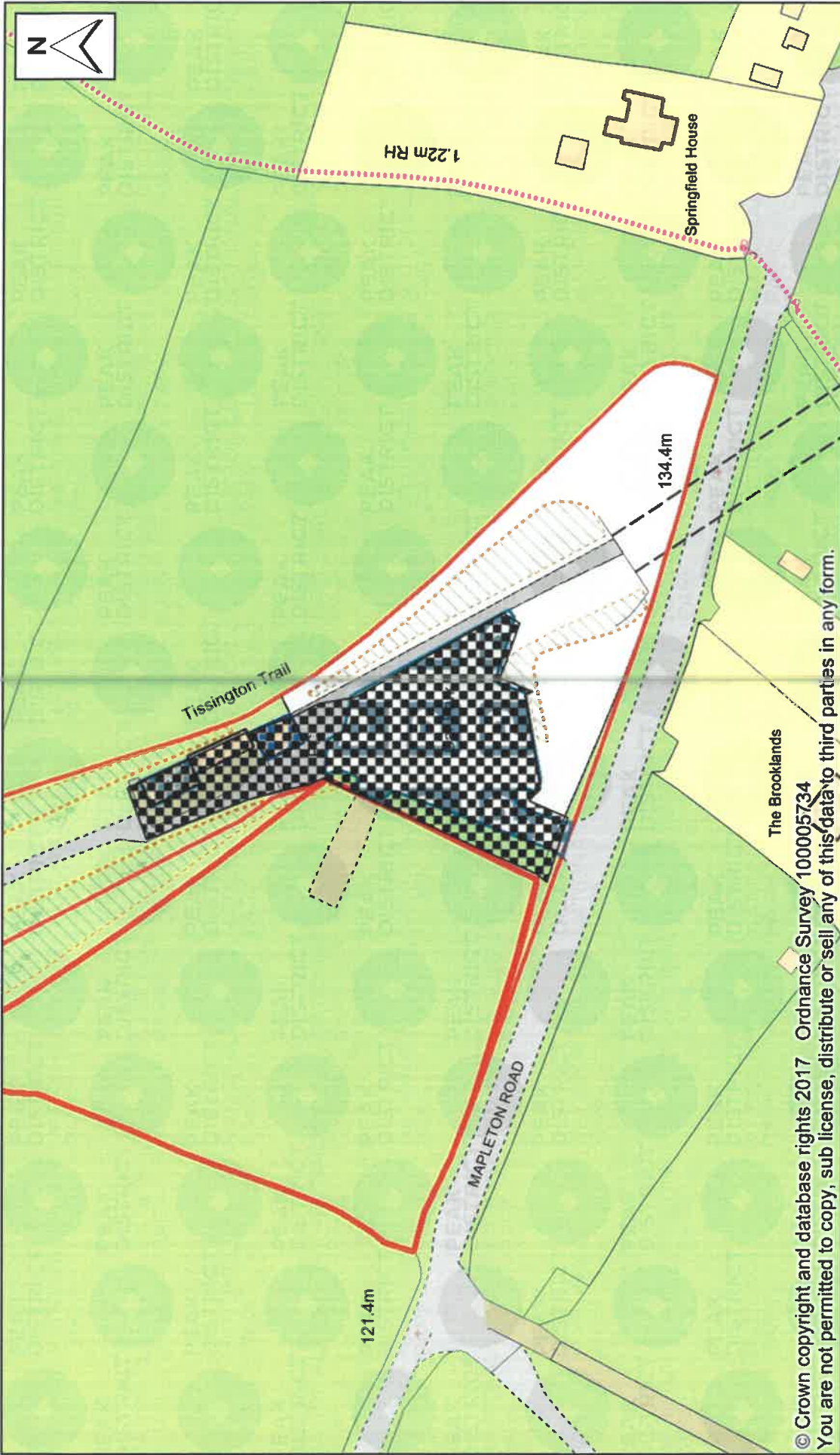
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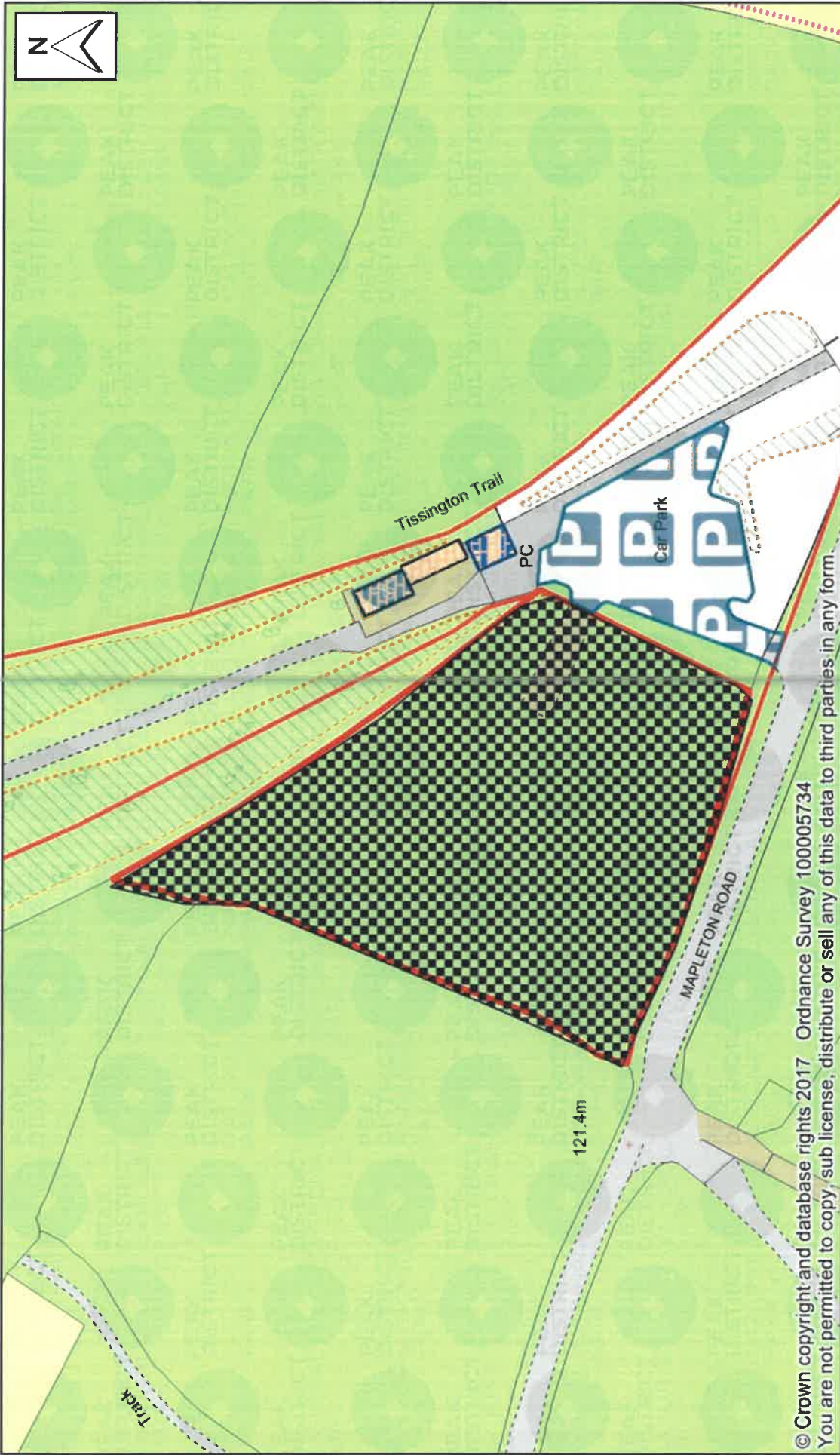
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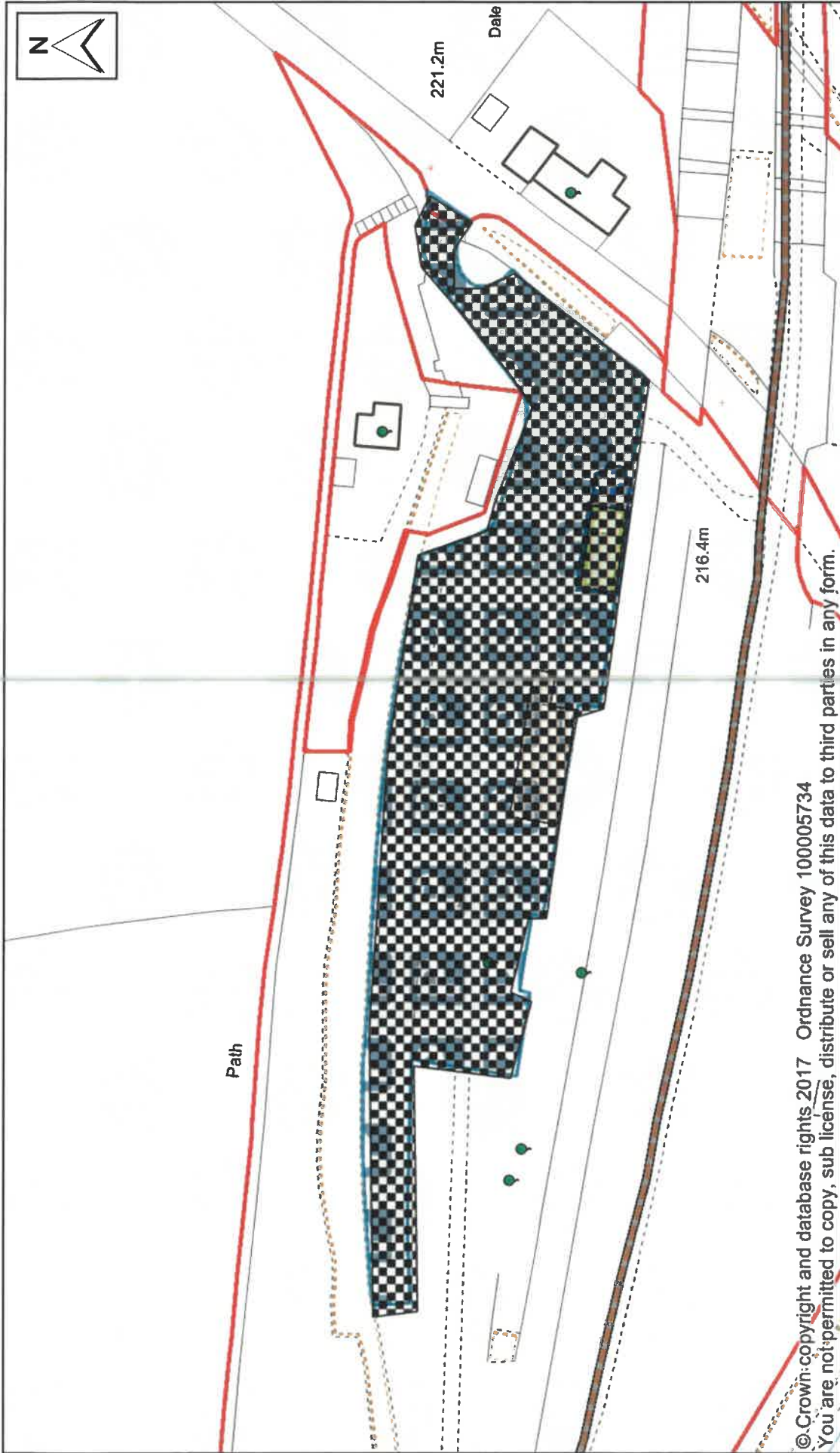


Drawn by: Date: Drawing No: Scale:	Bray Chris 05 December 2017  1:1000 at A4	Title:  map 7 MAPLETON LANE SHADING DENOTES DEFINED AREA	 <b>PEAK DISTRICT NATIONAL PARK</b>
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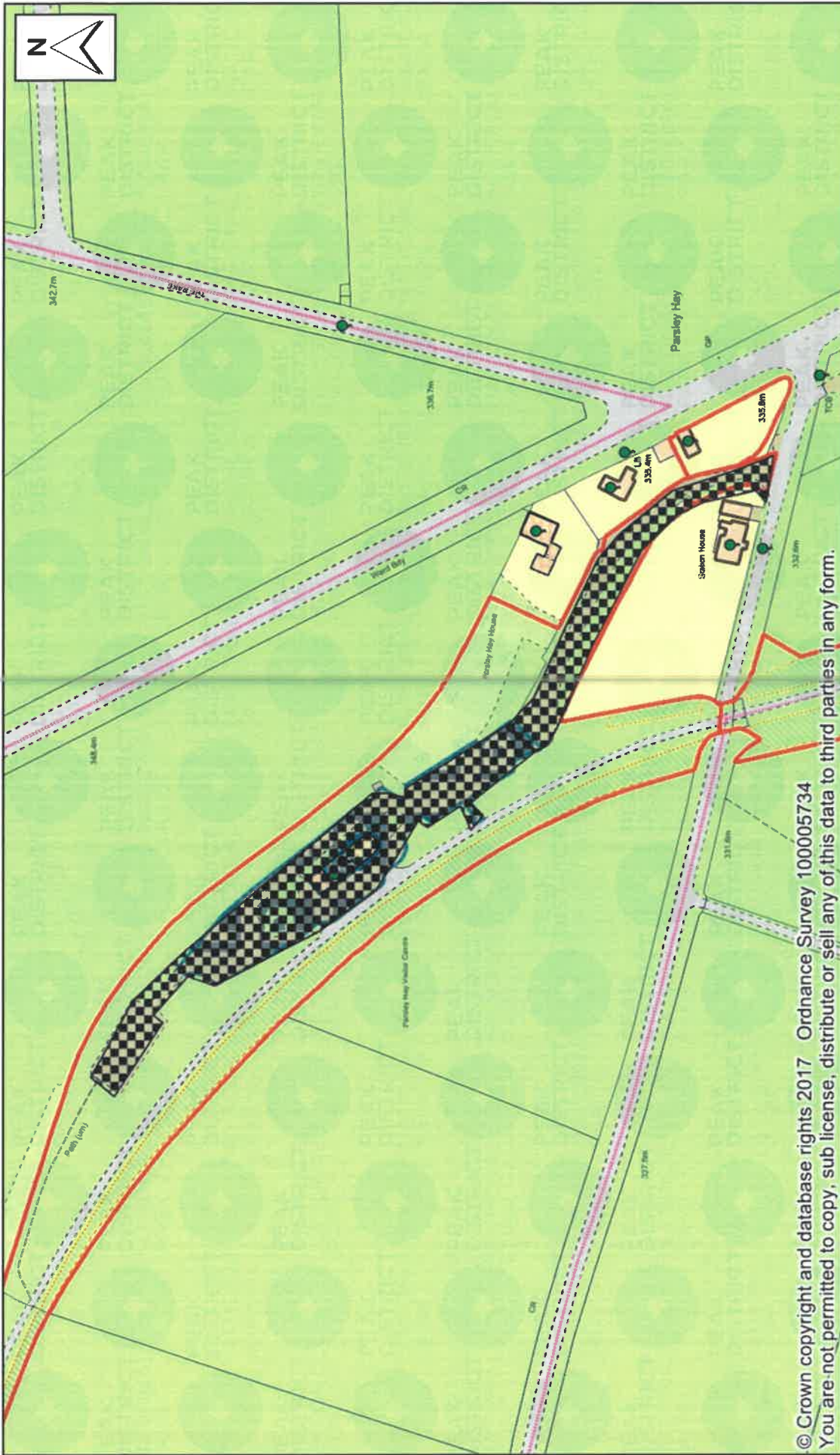


Drawn by: Date: Drawing No: Scale:	Bray Chris 05 December 2017  1:1000 at A4	Title: MAP 8 MAPLETON LANE OVERSPILL SHADING DENOTES DEFINED AREA	 PEAK DISTRICT NATIONAL PARK
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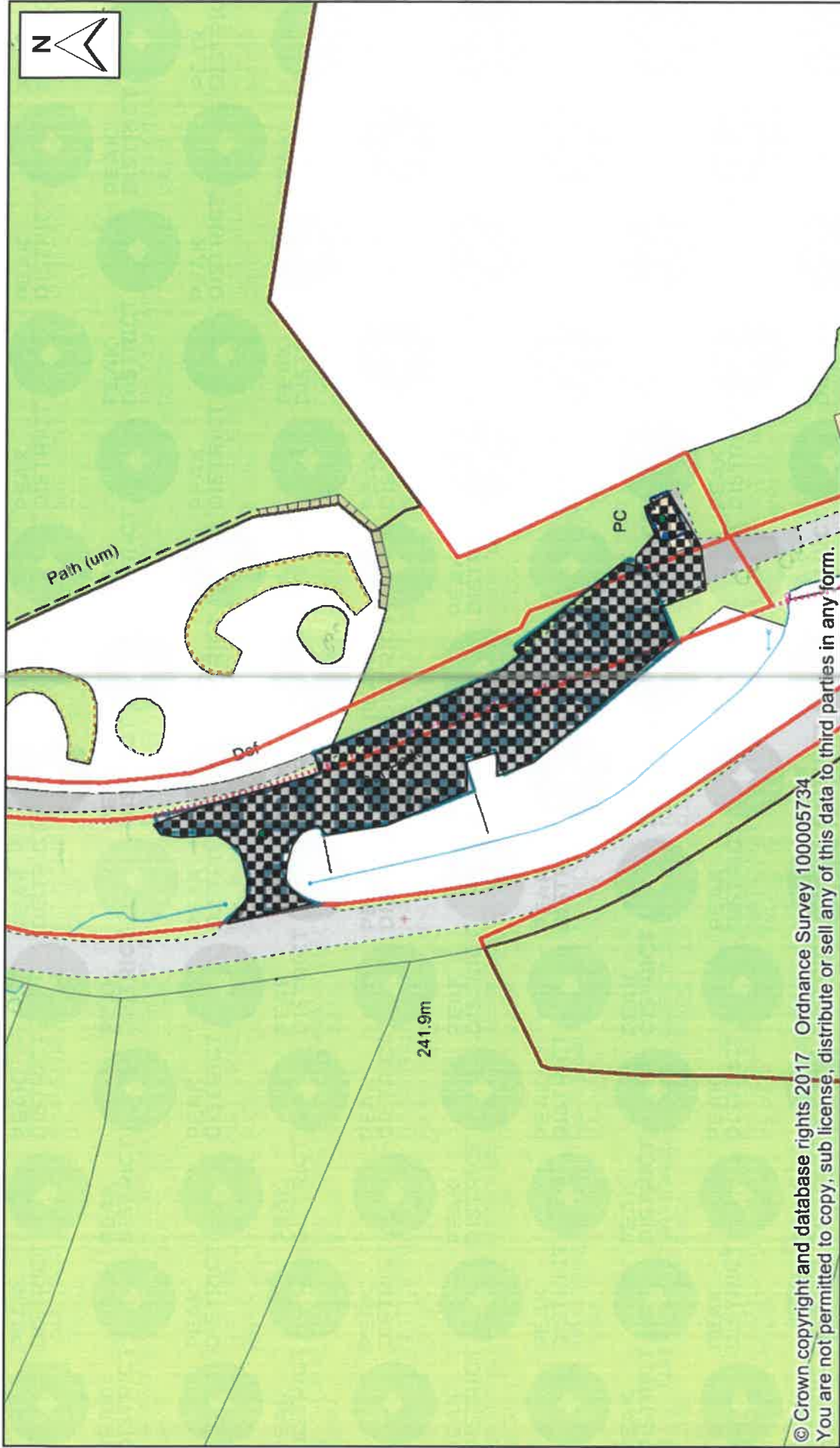


Drawn by: Date: Drawing No: Scale:	Bray Chris 06 December 2017  1:1000 at A4	Title:  MAP  Q MILLERSDALE SHADING DENOTES DEFINED AREA	 <b>PEAK DISTRICT NATIONAL PARK</b>
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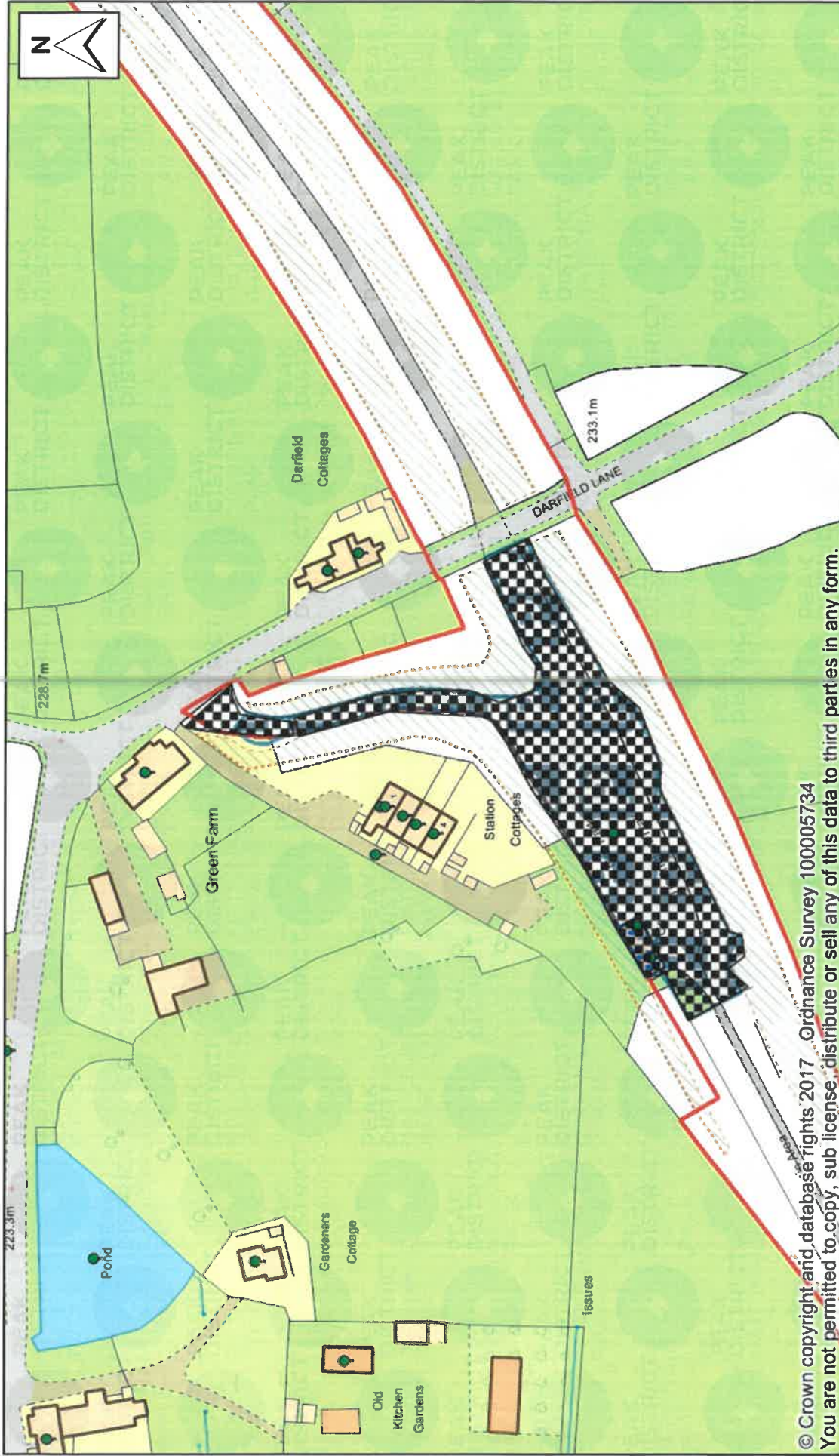
Drawn by: Date: Drawing No: Scale:	Bray Chris 06 December 2017  1:2000 at A4	<b>Title:</b> MAP 10 PARSLEY HAY SHADING DENOTES DEFINED AREA	 <b>PEAK DISTRICT NATIONAL PARK</b>
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Drawn by: Date: Drawing No: Scale:	Bray Chris 06 December 2017  1:1000 at A4	Title: MAP 11 TIDESWELDALE SHADING DENOTES DEFINED AREA	 PEAK DISTRICT NATIONAL PARK
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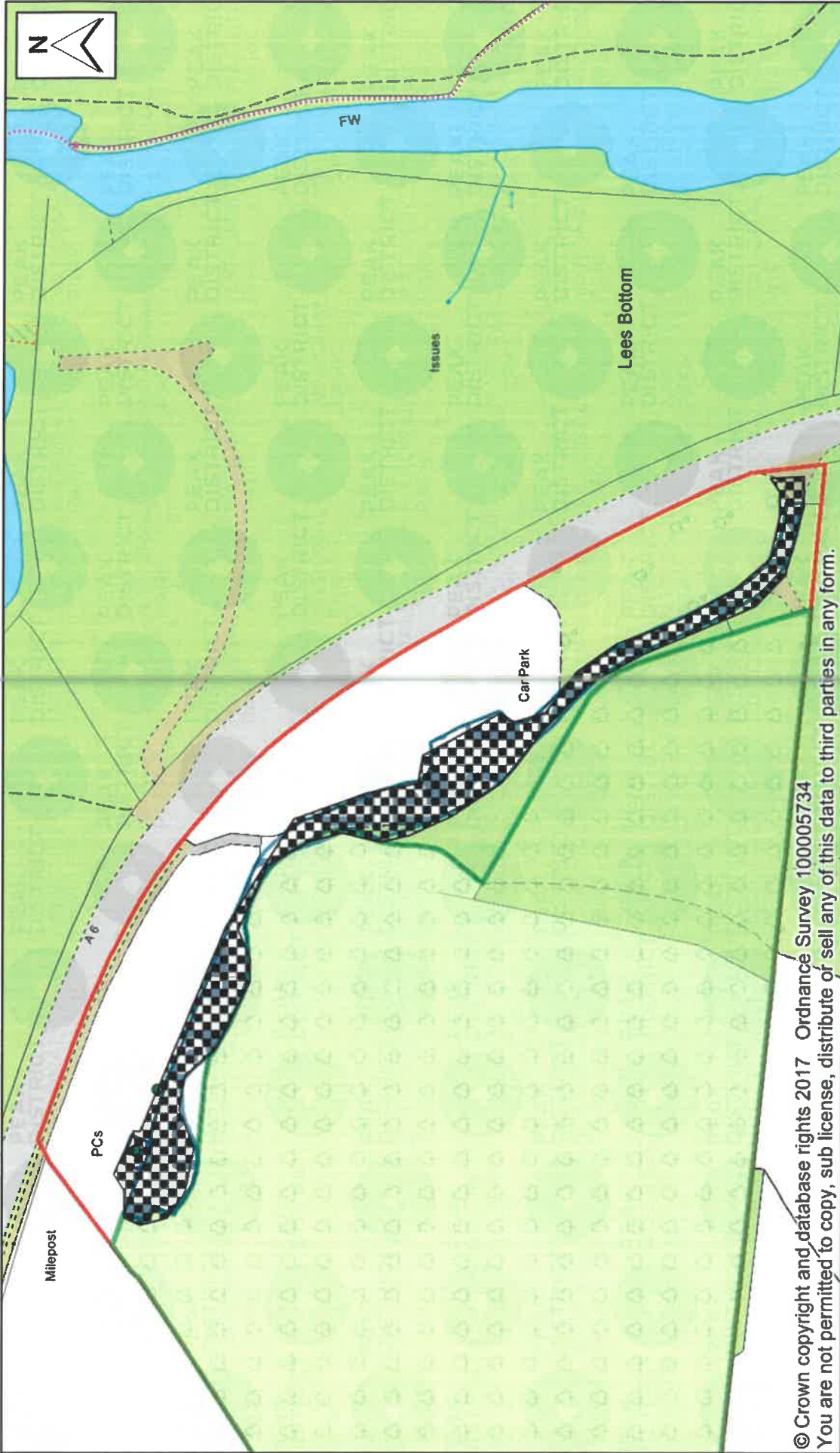


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Drawn by: Date: Drawing No: Scale:	Bray Chris 06 December 2017  1:1250 at A4	Title:  MAP 12- TISSINGTON SHADING DENOTES DEFINED AREA	 PEAK DISTRICT NATIONAL PARK
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Drawn by: Bray Chris

Date: 06 December 2017

Drawing No:

Scale: 1:1250 at A4

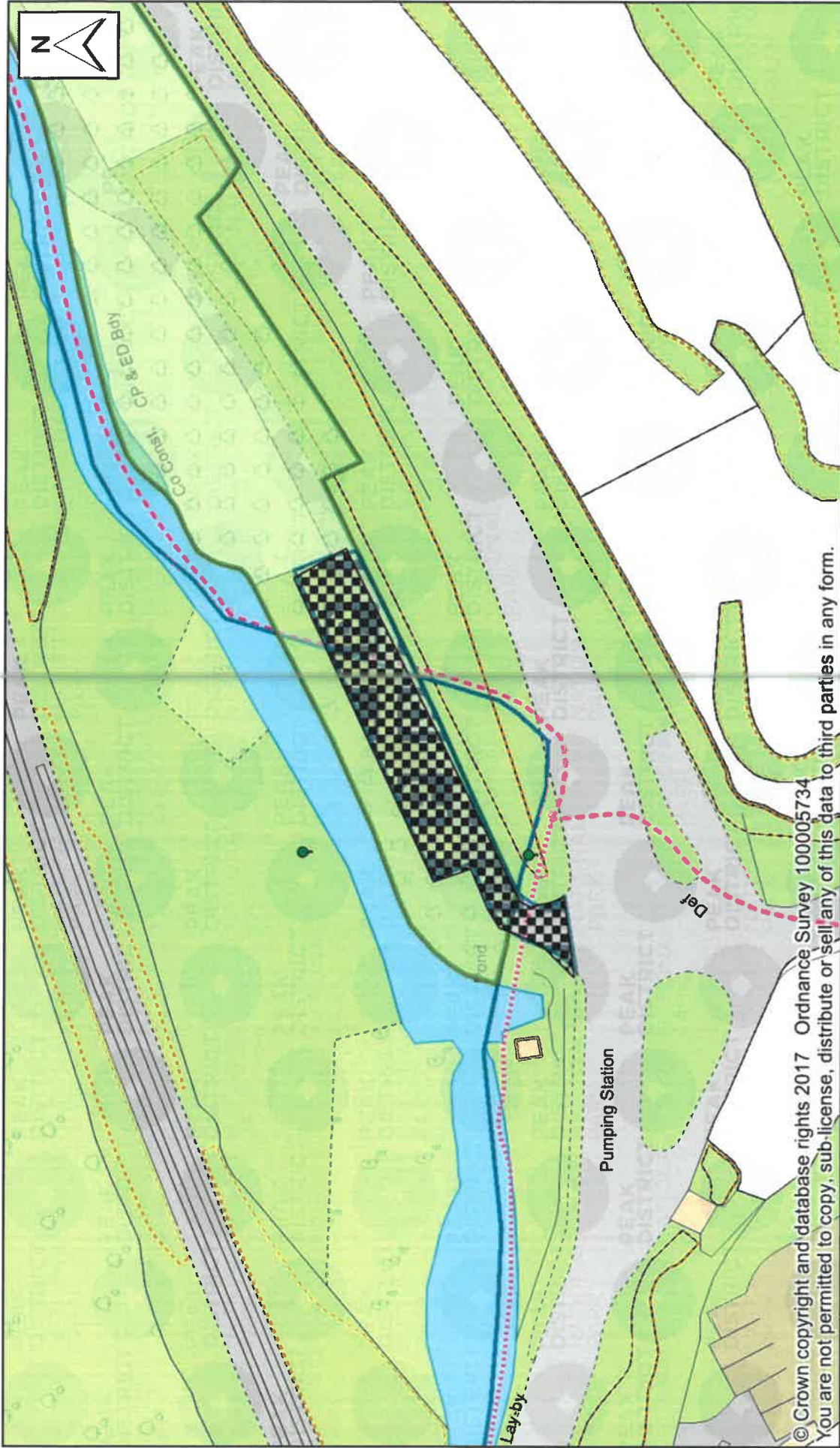
Title:


MAP 14

WHITE LODGE  
SHADING DENOTES DEFINED AREA



PEAK  
DISTRICT  
NATIONAL  
PARK



Drawn by: <b>Bray Chris</b> Date: <b>06 December 2017</b> Drawing No: Scale: <b>1:1000 at A4</b>	<b>Title:</b> <b>WYEDALE</b> <b>SHADING DENOTES DEFINED AREA.</b>	 <b>PEAK DISTRICT NATIONAL PARK</b>
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