

Devon County Council (Traffic Regulation & On-Street Parking Places) Amendment Order

Devon County Council makes the following order under sections 32, 35, 45, 46, 49, 53, part IV of schedule 9 of the Road Traffic Regulation Act 1984 and of all other enabling powers

1. This order comes into force _____ and may be cited as “Devon County Council (Traffic Regulation & On-Street Parking Places) Amendment Order _____”

Preliminary

2. Devon County Council (Traffic Regulation & On-Street Parking Places) Consolidation Order 2020 is amended as follows

Amendment of Contents

3. For “Part F - Designation & Use of Parking Places” Substitute “Part F - Authorisation & Use of Parking Places”

Amendment of article 1

4. Article 1 is amended as follows
 - (1) After the definition of “**initial charge**”, insert –
“**initial period** means the amount of time initially paid for to park in a pay to park place”
 - (2) After the definition of “**junction**”, insert –
“**landlord** means a person or company who own a property part of which or all of which is let on a tenancy agreement for occupation as a residential premises or for business use and those premises are in a road or part of road specified in column 3 in Appendix and is not the principal place of residence or business of the property owner”
 - (3) For the definition of “**parking permit**”, substitute –
“**parking permit** or **permit** refers to a permit issued by the issuing authority in either physical or virtual form pursuant and subject to parts F, G and H”
 - (4) For the definition of “penalty charge and penalty charge notice”, substitute –
“**penalty charge** has the same meaning as in Part 6 of the Traffic Management Act 2004
penalty charge notice is a notice that has been issued in accordance with current regulations”
 - (5) After the definition of “**permit holder**”, insert –
“**principal place of residence** means a place where an applicant [or holder] for a resident’s permit stays overnight during the week for a period of at least 10 months per year”
 - (6) For the definition of “**resident**”, substitute –
“**resident** means a person whose principal place of residence is at premises the postal address of which is in a road or part of a road specified in column 3 of appendix A”
 - (7) After the definition of “**restricted road**”, insert –
“**supported living** means an external service providing personal and housing related support to adults with learning difficulties, to enable them to live as independently as possible in their own homes via a tenancy, home ownership or shared ownership
supported living business means a service provider regulated under the Health & Social Care Act 2008 providing supported living services at an eligible address approved or licensed by the council for that purpose”

Amendment of pay & display

5. Before article 23, for “**pay & display**” substitute “**pay to park**”

Amendment of loading / unloading only bays

6. Before article 33, for “loading / unloading only bays” substitute “loading / unloading only places”

Amendment of taxi bays

7. Before article 33, for “**taxi bays**” substitute “**taxi ranks**”

Amendment of parking places for buses, coaches, community buses & public service vehicles

8. Before article 39, for “parking places for buses, coaches, community buses & public service vehicles” substitute “bus, coach, community bus & public service vehicle parking places”

Amendment of permit holder parking bays

9. Before article 45, for “permit holder parking bays” substitute “permit holder parking places”

Amendment of article 45

10. For article 45 substitute –
“Each area of road specified in the various parts of schedule 13 is authorised as a parking place for vehicles with a valid parking permit as described in the heading of that part of the schedule relating to the length of road”

Amendment of article 46

11. In article 46, for “permit” substitute “parking permit”

Amendment of article 47

12. In article 47, for all instances of “permit” substitute “parking permit”

Amendment of article 48

13. In article 48, for all instances of “permit” substitute “parking permit”

Amendment of electric vehicle recharging points

14. Before article 50, for “electric vehicle recharging points” substitute “electric vehicle recharging places”

New Article 57A

15. After article 57, insert -
“**57A** The application for a parking permit shall include the particulars and information required by the issuing authority and shall be accompanied by the appropriate remittance”

Amendment of article 59

16. For article 59 substitute –
“All parking permits remain the property of the issuing authority”

Amendment of article 60

17. For article 60 substitute –
“All parking permits must be used in full compliance with their published terms and conditions of use and any failure to comply with the terms and conditions of use shall invalidate the permit”

New Articles 62A, 62B and 62C

18. After article 62, insert -

“refund of parking permits

62A Refunds will not be given for a parking permit cancelled by the Council for misuse, falsely obtained or invalidated permits.

62B Refunds for physical parking permits and permit books are at the discretion of the Council if they returned unused, but refunds will not be given for any part used permit or permit book, or for any invalidated permit

62C Refunds or partial refunds will be given where;

- a) the permit holder cancels an active virtual residents or virtual business parking permit, a pro-rata refund will be granted for each full calendar month of time remaining on the permit being cancelled, up to a maximum of 11 calendar months.
- b) the permit holder cancels a block of paid for virtual visitor permit sessions, a pro-rata refund will be granted for any remaining full 1 hour sessions at the time of cancellation
- c) the permit holder cancels a block of paid for virtual guest house/hotel permit sessions, a pro-rata refund will be granted for any remaining full 24 hour sessions at the time of cancellation

PROVIDED that the permit has not been issued for Exeter (S1 Sandy Park Area), where no refunds will be issued.”

Amendment of article 65

19. For article 65 substitute –

“If a physical permit is lost, damaged or destroyed the permit holder may apply to the issuing authority for the issue of a replacement and the issuing authority upon being satisfied as to the loss, damage or destruction shall upon payment of a fee determined under appendix B issue a replacement permit and upon such issue, the permit which it replaces shall become invalid”

Amendment of article 66

20. In article 66, for “If a permit” substitute “If a physical parking permit”

New Article 66A

21. After article 66, insert -

“66A If a virtual parking permit requires replacement due to a change of vehicle, the permit holder must cancel their current parking permit and purchase a new parking permit upon payment of a fee determined under appendix B”

Amendment of article 67

22. In article 67, for “If a permit” substitute “If a physical parking permit”

Amendment of article 69

23. In article 69, for all instances of “permit” substitute “parking permit”

Amendment of article 71

24. In article 71, for all instances of “surrender a permit” substitute “surrender a parking permit”

Amendment of article 72

25. For article 72 substitute –

“The issuing authority may by notice in writing served on the permit holder at the address or email address shown by that person on the application for the permit, or at any other address believed to be that person's residence, withdraw a permit if it appears that any of the events set out in article 70 has occurred and the permit holder shall surrender the permit within 7 days of the receipt of the said notice”

Amendment of article 74

26. In article 74, for all instances of “permit” substitute “parking permit”

Amendment of article 76

27. In article 76, omit “The application shall include the particulars and information required by the issuing authority and shall be accompanied by the appropriate remittance”

Amendment of article 77

28. For article 77 substitute –

“Unless otherwise identified by articles 78 and 78A, a maximum of two resident permits will be available from the issuing authority for eligible residential addresses in the zones listed in appendix A”

Amendment of Article 78

29. In article 78, omit “c) Salcombe second home owners are eligible for 1 permit only per property valid between 1st November to 31st March”

New Article 78A

30. After article 78, insert -

“**78A** Article 77 does not apply if the vehicle is a motorcycle. Parking permits for motorcycles will be issued in addition to any limit on resident permits defined in articles 77 & 78”

Amendment of article 80

31. For article 80 substitute –

“A resident of an eligible property in appendix A may apply to the issuing authority for the issue of visitor parking permits for vehicles belonging to visitors to that resident”

New Article 80A

32. After article 80, insert -

“**80A** Visitor parking permits will be issued as either

- a) books of physical parking permits, where each permit will be valid for the day specified and will expire at 10am the following day, or
- b) virtual parking permits, where each permit will be valid for 1 hour from the time of activation

Multiple permits can be used to extend the period of parking if required. Permits are only valid for use within a parking place within the zone specified in appendix A”

Amendment of article 81

33. For article 81 substitute –

“Unless otherwise identified by article 82, visitor permits will be issued as physical visitor permits or virtual visitor permits, and residents may apply for:

- a) two books of physical visitor permits per year, or
- b) two batches of virtual visitor permits per year or
- c) one book of physical visitor permits and one batch of virtual visitor permits per year”

New Articles 81A & 81B

34. After article 81, insert -

81A Physical visitor parking permits will be issued in books of 30 permits for zones labelled Va or Vb in Column 4 of Appendix A

81B Virtual visitor parking permits will be issued in batches of :

- a) 350 x 1 hour permits for zones labelled Va in Column 4 of Appendix A, or
- b) 200 x 1 hour permits for zones labelled Vb in Column 4 of Appendix A”

Amendment of article 82

35. For article 82 substitute –

“The following exceptions apply to article 81 to the zones marked * in appendix A

- a) Exeter (S1 Sandy Park Area) and Woolacombe shall be limited to 1 book of physical visitor parking permits or 1 batch of virtual visitor parking permits per eligible property
- b) Exeter (R County Hall Area) Visitor (for Tunnels Tennis Club) shall be issued as a single reusable parking permit and up to a maximum of 4 permits”

Amendment of article 83

36. In article 83, for “a book of visitor permits” substitute “visitor parking permits”

Amendment of article 84

37. In article 84, for “visitor permit” substitute “physical visitor parking permit”

Amendment of article 85

38. For article 85 substitute –

“A business at an eligible property in appendix A, that requires a person employed by that business using a vehicle for the purpose of their commercial business activities, may apply to the issuing authority for the issue of a business parking permit to authorise a vehicle to park in a parking place within the zone specified in appendix A, subject to compliance with the current published terms and conditions of use of such permits”

Amendment of article 86

39. In article 86, after “A registered charity” insert “, supported living business or school at an eligible address”

Amendment of article 87

40. For article 87 substitute –

“Unless otherwise identified by article 88, a maximum of three business permits will be available from the issuing authority for a business, registered charity, supported living business or school operating from an eligible address in the zones listed in appendix A”

Amendment of article 89

41. In article 89, for “business or registered charity” substitute “business, registered charity, supported living business or school”

Amendment of article 90

42. For article 90 substitute –

“An essential visitor permit may be provided to a resident of an eligible property in Appendix A to authorise a vehicle to park in a parking place within the zone specified where:

- a) the resident is a disabled badge holder or a person in need of regular visits by family members to provide essential care to remain independently living in their own home and who can provide a declaration confirming that need from their doctor or from the appropriate department of the Council
- b) residents have children living at the property, under the age of 5 years at the time of applying, who rely solely on unpaid childcare providers/family members to provide childcare whilst the residents are at work, and can provide evidence of the ages of the children”

Amendment of visitor permits for hotels & guest houses

43. Before article 95, for “visitor permits for hotels & guest houses” substitute “guest house / hotel permits”

Amendment of article 95

44. For article 95 substitute –

“A guest house or hotel that is at an eligible property in appendix A, may apply to the issuing authority for the issue of guest house/hotel permits for vehicles belonging to a guest staying at that guest house or hotel”

Amendment of article 96

45. In article 96,
for “books of 20 permits” substitute “batches of 20 virtual parking permits”
omit “There shall be no limit on their issue”

Amendment of article 97

46. In article 97, for “books” substitute “batches”

Amendment of article 98

47. For article 98 substitute –

“Prior to use of a guest house/hotel visitor permit the guest house/hotel staff must activate the permit in accordance with the terms and conditions. Each guest house/hotel permit will be valid for 24 hours from the time of activation and is only valid for use within a parking place within the zone specified in appendix A. For stays of more than 24 hours consecutive permits may be issued”

Amendment of article 100

48. For article 100 substitute –

“A doctors practice, that requires a person employed by and is using a vehicle for the purpose associated with that practice and whose practice address has been provided a doctors parking bay described within a part of schedule 13, may apply to the issuing authority for a doctors parking permit, subject to compliance with the current terms and conditions of use of such permits”

Amendment of article 101

49. For article 101 substitute –

“A vets practice, that requires a person employed by and is using a vehicle for the purpose associated with that practice and whose veterinary practice address has been provided a vets parking bay described within a part of schedule 13, may apply to the issuing authority for a vets parking permit, subject to compliance with the current terms and conditions of use of such permits”

Revocation of article 103

50. Article 103 is revoked

Amendment of article 104

51. In article 104, omit “The application shall include the particulars and information required by the issuing authority and shall be accompanied by the appropriate remittance specified in appendix B to this order”

Amendment of article 107

52. In article 107, omit “An application shall be made in the form or manner publicised by the issuing authority and if applicable shall be submitted with the appropriate remittance specified in appendix B to this order”

Amendment of article 129

53. In article 129, for “, 28A and 30” substitute “ and 28A”

New Article 129A

54. After article 129, insert -

“**129A** Nothing in articles 22, 23, 28A and 30 shall make it unlawful to cause or permit a car club vehicle to wait in a length of road contrary to a restriction specified in the parts of schedule 6 and those parts of schedules 4, 5 and 15 that provide exemption for resident permit holders”

Amendment of Appendix A

55. Within the first table,

in the first column, for “V” substitute “V, Va or Vb”

in the second column, for “Visitor Permit Books” substitute “Visitor Permits”

in the second column, for “Hotel/Guest House Permit Books” substitute “Guest House/Hotel Permits”

56. Within the second table,

(1) In column 4 for “V” substitute “Va” for the following zones

(a) Barnstaple B	(m) Exeter D or K
(b) Barnstaple C	(n) Exeter E
(c) Barnstaple D	(o) Exeter F
(d) Barnstaple E	(p) Exeter G
(e) Barnstaple H	(q) Exeter H
(f) Barnstaple J	(r) Exeter J
(g) Exeter A	(s) Exeter K
(h) Exeter B	(t) Exeter L
(i) Exeter C	(u) Exeter M
(j) Exeter C or E	(v) Exeter P
(k) Exeter D	(w) Exeter T2
(l) Exeter D or E	(x) Exeter T3

- (y) Fremington A
- (z) Newton Abbot A
- (aa) Newton Abbot B
- (bb) Newton Abbot C
- (cc) Newton Abbot D
- (dd) Newton Abbot J
- (ee) Seaton A

(2) In column 4 for “V” substitute “Vb” for the following zones

- (a) Barnstaple A
- (b) Barnstaple F
- (c) Barnstaple G
- (d) Barnstaple K1
- (e) Barnstaple K2
- (f) Bideford A
- (g) Bideford B
- (h) Bideford C
- (i) Exeter I
- (j) Exeter N
- (k) Exeter R
- (l) Exeter S1
- (m) Exeter S2
- (n) Exeter S3
- (o) Exeter S4
- (p) Exeter S5
- (q) Exeter S6
- (r) Exeter S7
- (s) Exeter S8
- (t) Exeter S9
- (u) Ivybridge A
- (v) Ivybridge B
- (w) Ivybridge C
- (x) Newton Abbot E
- (y) Newton Abbot F
- (z) Newton Abbot G
- (aa) Newton Abbot H
- (bb) Newton Abbot K1
- (cc) Teignmouth A
- (dd) Topsham T1
- (ee) Totnes A
- (ff) Totnes B
- (gg) Totnes C
- (hh) Totnes D
- (ii) Totnes A, B or C
- (jj) Woolacombe A

Amendment of Appendix B

57. For Appendix B, substitute -

“APPENDIX B Charges for consideration and administration of permits and waivers

part 1

permit type	vehicle type** (see article 63 for eligible vehicle types)	charge 1st permit	charge 2nd permit	charge for additional permits (where applicable)
residents permit for all zones except Tiverton Parkway and Exmouth (B Bath Road)	Motorcycle, Scooters	£35 annually	£45 annually	£65 annually
	Other Vehicles Band A (less than 100g/km)	£35* annually	£45 annually	£65 annually
	Other vehicles Bands B – K (101-225g/km)	£35* annually	£55 annually	£65 annually
	Other vehicles Bands L - M (226+ g/km)	£35* annually	£65 annually	£65 annually
residents permit for zones Tiverton Parkway and Exmouth (B Bath Road)	All vehicle types	£0	£0	£0
business permit	All vehicle types	£35* ♦ annually	£75* ♦ annually	£150* ♦ annually

charity business permit	All vehicle types	£35* annually	£35* annually	£35* annually
supported living business permit				
school business permit				

part 2

permit type	charge
visitor permits for permit schemes operating at all times (24hr/7days) (Va – see Appendix A)	Virtual Visitor Permits £30 per issue of 350 hours (allocated in 1 hour sessions) OR Physical Daily Visitor Permits £30 per issue of 30 (24 hour) permits
visitor permits for permit schemes not operating at all times (Vb – see Appendix A)	Virtual Visitor Permits £30* per issue of 200 hours (allocated in 1 hour sessions) OR Physical Daily Visitor Permits £30* per issue of 30 (24 hour) permits
visitor permits for Tunnels Tennis Club	£30 annually
essential visitors permit	£35 annually*
guest house / hotel permits	£30 per issue of 20 (24 hour) permits
care worker permit	£0 annually
doctors / veterinary permit	no charge#
annual trade permit	£45 annually
short stay trade permits	£60 per book of 20 permits
daily trade permit	£5 (valid for 1 calendar day)
weekly trade permit	£25 (valid for 7 calendar days)
parking waiver (application charge)	£10 (valid for 1 calendar day) £30 (valid for 7 calendar days)
RNLI vehicles	no charge
Local Service Vehicles and School Transport Vehicles	no charge
Community First Responder Permit	no charge

Notes:

- * Sandy Park Zone, Exeter (Zone S1) residential permits and business occupier permits are £12 each annually and permit holders are entitled to claim the charge from Exeter Rugby Club, essential visitor permits are £0 annually
- ♦ Exmouth (A Langerwehe Way) business occupier permits are £35 each annually
- # Each applicant is required to pay £500 per allocated parking space then £100 annually thereafter
- ** where a permit is for use in multiple vehicles or band is not available, then the highest band will be applied

Details of refunds for permits can be found in articles 62A to 62C”

dated

THE COMMON SEAL OF]
Devon County Council]
was hereunto affixed in the]
presence of]

document number _____

A Duly Authorised Officer

reference IMR/B06948

website reference 5868