

CHANGE TO THE DISTRICT OF NEW FOREST (OFF-STREET PARKING PLACES) ORDER 2005 TO INCORPORATE THE USE OF ELECTRIC VEHICLE CHARGING POINTS

1. BACKGROUND

- 1.1. The Council's car parks are subject to the District of New Forest (Off-Street Car Parking Places) Order 2005 ('the Order') which sets out the regulations under which car parks in the District can be used. From time to time it becomes necessary to make an Amendment Order so that alterations to the Order can be made to reflect changing circumstances. An Amendment Order is subject to a legal process which includes a statutory consultation process.
- 1.2. This process is set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ('the Regulations').
- 1.3. The Council proposes to introduce a number Electric Vehicle Charging Points and, associated Electric Vehicle Parking Places, to car parks in the District. Therefore, an amendment is required to the Order.

2. PUBLICATION OF PROPOSALS

- 2.1. Following the Portfolio Holder's Decision dated 6 September 2019 which agreed to the proposed amendment, the draft Amendment Order was advertised in accordance with the Regulations.
- 2.2. This involved consulting with statutory consultees, the erection of site notices, publication of the notice of proposals in a newspaper circulating in the area and having prescribed deposit documents available at the Council's offices.
- 2.3. Consent to the making of the proposed Amendment Order was also sought from Hampshire County Council in accordance with section 39(3) of the Road Traffic Regulation Act 1984.

3. REPRESENTATIONS

- 3.1. No representations have been received from the statutory consultees or any other person in response to the publication of the proposals.
- 3.2. On 20 November 2019, Hampshire County Council confirmed their consent to the amendment.

4. ITEM FOR DECISION

- 4.1. In accordance with the Regulations, following the publication of proposals stage of the Order making process, further advertisements, including a 'notice of making' are required following the Amendment Order being made.
- 4.2. As there have been no representations in respect of the proposed amendment, it is suggested that the Amendment Order attached as **Appendix 1** is made and that it shall come into force as soon as possible following the publishing of the 'notice of making' in accordance with the Regulations.

5. RATIONALE, FINANCIAL, ENVIRONMENTAL, CRIME & DISORDER AND EQUALITY & DIVERSITY IMPLICATIONS

- 5.1. The above considerations are set out in paragraphs 3 to 5 of the Portfolio Holder's Decision Report dated 6 September 2019 (<https://democracy.newforest.gov.uk/ieDecisionDetails.aspx?ID=717>) .

6. RECOMMENDATION

- 6.1. That the Amendment Order attached as **Appendix 1** be made to come into force as soon as possible.

7. PORTFOLIO HOLDER ENDORSEMENT

- 7.1 I have agreed to the recommendations of this report.

Sign: CLLR E J HERON

Date: 20 December 2019

For Further Information Please Contact:

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Background papers:

Portfolio Holder Decision
Portfolio: Planning and
Infrastructure – dated 6 Sept
2019
<https://democracy.newforest.gov.uk/ieDecisionDetails.aspx?ID=717>

Date on which notice given of this Decision – 20 December 2019

Last date for call-in – 3 January 2020

DISTRICT COUNCIL OF NEW FOREST

DISTRICT OF NEW FOREST (OFF STREET PARKING PLACES) (AMENDMENT) (NO 2)

ORDER 2019

The District Council of New Forest, in exercise of its powers under Sections 32 and 35 and Part IV of the Road Traffic Regulation Act 1984 (“the Act”) and all other enabling powers, and with the consent of the County Council of Hampshire in accordance with s.39(3) of the Act, and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby makes the following Order:

1. Commencement and Citation

This Order will come into effect on the [day of 20], and may be cited as the District of New Forest (Off Street parking Places) Amendment Order 2019.

2. Interpretation

Interpretation of this Order shall be provided in Article 3 of the District of New Forest (Off Street Parking Places) Order 2005 (“the Principal Order”).

3. Amendments

The Principal Order shall be amended as follows:

- (i) In Article 3 (2) by the insertion of the words:

“electric charging point” means an installation adjacent to an electric vehicle parking bay for the purposes of recharging the battery of an electric vehicle by way of a connecting lead;

“electric vehicle” means a vehicle that is powered entirely or partially by electricity and is capable of being charged from an external source;

“electric vehicle parking bay” means a parking bay where signs are erected or surface markings are made for the purpose of indicating that such parking bay is available for use by an electric vehicle;

- (ii) In Article 7 by the insertion of the words:

“(d) an electric vehicle using an electric vehicle parking bay in accordance with Article 10(2)”

- (iii) By the insertion of a new Article 10:

“10. Use of Electric Vehicle Parking Bays

- (1) No driver of a vehicle not being an electric vehicle, as defined in Article 2(2) of this order, shall permit it to wait in an electric vehicle parking bay
- (2) No driver of an electric vehicle shall permit it to wait in an electric vehicle parking bay unless it is connected by way of a lead to an electric charging point and the electric vehicle is being charged throughout the period within which it is parked in the electric vehicle parking bay”

- (iv) By the renumbering of the remaining Articles and updating of references to Articles within the Order accordingly.
- (v) In the new Article 15 by the insertion of the words:
 - “(vii) an electric vehicle using an electric vehicle parking bay in accordance with Article 10(2)”

Dated:

Authorised signatory.....