STATUTORY INSTRUMENTS

2010 No. 329

ROAD TRAFFIC

The A38 Trunk Road (Lee Mill, Near Ivybridge, to Voss Farm, Near Plymouth, Devon) (Temporary Prohibition and Restriction of Traffic) Order 2010

Made - - - -	*2 February 2010*
Coming into force - -	*5 February 2010*

WHEREAS the Secretary of State for Transport, being the traffic authority for the A38 Trunk Road ("the A38"), is satisfied that traffic on lengths of that road between Ivybridge and Plymouth in the District of South Hams in the County of Devon should be prohibited and restricted because works are proposed to be executed thereon:

NOW, THEREFORE, the Secretary of State, in exercise of the powers conferred by section 14(1)(a) of the Road Traffic Regulation Act 1984(**a**), hereby makes the following Order:-

1. This Order may be cited as the A38 Trunk Road (Lee Mill, Near Ivybridge, to Voss Farm, Near Plymouth, Devon) (Temporary Prohibition and Restriction of Traffic) Order 2010 and shall come into force on 5 February 2010.

2. In this Order –

"the first length of the A38" means both carriageways of the A38 from a point at the centre of Deep Lane Junction Overbridge to a point 400 metres east of the centre of Torrhill Underbridge;

"the second length of the A38" means the westbound carriageway of the A38 from a point 130 metres east of the centre of Westover Junction Overbridge to a point 150 metres west of the centre of Smithaleigh Junction Overbridge;

"the third length of the A38" means both carriageways of the A38 from a point 130 metres east of the centre of Westover Junction Overbridge to a point 150 metres west of the centre of Smithaleigh Junction Overbridge;

"the fourth length of the A38" means (i) the westbound carriageway of the A38 from the tip of the nosing of the westbound exit slip road at the Westover Junction to the tip of the nosing of the westbound entry slip road at the Smithaleigh Junction; (ii) the eastbound carriageway of the A38 from the tip of the nosing of the eastbound exit slip road at the Deep Lane Junction to the tip of the nosing of the eastbound entry slip road at the Westover Junction;

"the first slip roads" mean (i) the westbound exit and entry slip roads at the A38 Westover Junction; (ii) the westbound exit and entry slip roads at the A38 Hunsdon Road Junction; (iii) the westbound exit and entry slip roads at the A38 Lee Mill Junction; (iv) the westbound exit

(**a**) 1984 c.27; a new section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), section 1(1) and Schedule 1.

and entry slip roads at the A38 Smithaleigh Junction; (v) the westbound exit and entry slip roads at the A38 Voss Farm Junction; (vi) the westbound exit slip road at the A38 Deep Lane Junction; (vii) the eastbound entry slip road at the A38 Deep Lane Junction; (viii) the eastbound exit and entry slip roads at the A38 Lee Mill Junction; (ix) the eastbound exit and entry slip roads at the A38 Cadleigh Park Junction; (x) the eastbound exit and entry slip roads at the A38 Westover Junction;

"the second slip roads" mean (i) the westbound entry slip road at the A38 Westover Junction; (ii) the westbound exit and entry slip roads at the A38 Hunsdon Road Junction; (iii) the westbound exit and entry slip roads at the A38 Lee Mill Junction; (iv) the westbound exit slip road at the A38 Smithaleigh Junction; (v) the eastbound exit and entry slip roads at the A38 Lee Mill Junction; (vi) the eastbound exit and entry slip roads at the A38 Cadleigh Park Junction; (vii) the eastbound exit slip road at the A38 Westover Junction;

"layby" means an area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations 2002(**a**) and partly by the outer edge of that carriageway on the same side of the road as that on which the sign is placed; and in this definition "carriageway" means any way (other than a cycle track) comprised in the trunk road over which the public have a right of way for the passage of vehicles and which has a surface suitable for the exercise of that right;

"bus stop area" means any area of carriageway on a side of the trunk road, intended for the waiting of buses, which is comprised within and indicated by a road marking complying with diagram 1025 (1025.1 / 1025.3 / 1025.4) in schedule 6 to the Traffic Signs Regulations 2002(**a**);

"the tip of the nosing" means the first point where an entry slip road joins the carriageway of a trunk road or the last point where an exit slip road leaves the carriageway of a trunk road;

"overall width" has the meaning given in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(**b**);

"a bicycle" means a pedal cycle with fewer than four wheels and not being a mechanically propelled vehicle;

"the works" mean major maintenance works;

"the works period" means the period starting at 00.01 hours on Sunday 7 February 2010 and ending when the said works have been completed;

"a works period" means a period of 10 hours starting at 20.00 hours on Sunday 7 February 2010 or any subsequent day and ending when the said works have been completed;

and a reference to an article followed by a number is a reference to the article in this Order which bears that number.

3. Subject as mentioned in article 11, no person shall, during the works period, drive any motor vehicle at a speed exceeding 50 miles per hour in the first length of the A38 and the first slip roads.

4. Subject as mentioned in article 11, no person shall, during a works period, drive any motor vehicle at a speed exceeding 10 miles per hour in the second length of the A38 whilst traffic signs of a character authorised under section 64 of the Road Traffic Regulation Act 1984 indicating "convoy working" on that road are displayed.

5. Subject as mentioned in articles 11, 12 and 13, no person shall, during a works period, cause or permit any vehicle to enter or proceed in the second slip roads.

6. Subject as mentioned in articles 11, 12 and 13, no person shall, during a works period, cause or permit any vehicle:

(a) to enter or proceed in the westbound carriageway of the third length of the A38;

(**a**) S.I. 2002/3113; Part I
(**b**) S.I. 1986/1078, to which there are amendments not relevant to this Order

(b) to enter or proceed in the outside lane of the eastbound carriageway of the third length of the A38 in any direction other than westwards;

(c) to enter or proceed in the eastbound carriageway of the third length of the A38;

(d) to enter or proceed in the outside lane of the westbound carriageway of the third length of the A38 in any direction other than eastwards.

7. Subject as mentioned in article 11, no person shall, during the works period, cause or permit a bus to stop in the bus stop area situated in the layby adjacent to the eastbound carriageway of the A38 opposite Endsleigh Garden Centre.

8. Subject as mentioned in articles 11 and 12, no person shall, during the works period, cause or permit any vehicle with an overall width in excess of 6 feet 6 inches to enter or proceed in any lane other than the left hand or nearside lane of the first length of the A38.

9. Subject as mentioned in article 11, no person using a bicycle shall, during the works period, enter or proceed in the fourth length of the A38.

10. Subject as mentioned in articles 11 and 12, no person shall, during the works period, cause or permit any vehicle to enter, proceed or remain in the layby adjacent to:

(i) the westbound carriageway of the A38 situated 350 metres west of the centre of the Hunsdon Road Junction;

(ii) the westbound carriageway of the A38 situated 250 metres east of the centre of Smithaleigh Overbridge;

(iii) the westbound carriageway of the A38 situated 200 metres west of the centre of Smithaleigh Overbridge;

(iv) the eastbound carriageway of the A38 situated 850 metres west of the centre of Voss Farm Overbridge;

(v) the eastbound carriageway of the A38 situated 70 metres west of the centre of Smithaleigh Overbridge;

(vi) the eastbound carriageway of the A38 situated 120 metres west of the centre of the River Yealm Bridge;

(vii) the eastbound carriageway of the A38 situated immediately east of the Cadleigh Park Junction;

(viii) the eastbound carriageway of the A38 situated 750 metres west of the centre of Westover Overbridge;

(ix) the eastbound carriageway of the A38 situated 800 metres east of the centre of Westover Overbridge;

11. The provisions of articles 3, 4, 5, 6, 7, 8, 9 and 10 shall apply only during such times and to such extent as shall from time to time be indicated by traffic signs and shall not apply to:

(a) a vehicle being used for police, fire and rescue authority or ambulance purposes;

(b) anything done at the direction of, or with the permission of, a police officer in uniform.

12. The provisions of articles 5, 6(a), 6(c), 7, 8 and 10 shall not apply to a vehicle being used for or in connection with the said works, for traffic officer purposes or for winter maintenance purposes.

13. The provisions of articles 5, 6(a) and 6(c) shall not apply to a vehicle proceeding to or from premises that are accessible from and only from the A38.

Signed by authority of the Secretary of State

MALCOLM ROBERTS
An Area Performance Manager
in the Highways Agency

2 February 2010