
Report To:	Environment & Regeneration Committee	Date:	10 January 2019
Report By:	Corporate Director Environment, Regeneration and Resources	Report No:	LP/009/19
Contact Officer:	Peter MacDonald	Contact No:	01475 712618
Subject:	Proposed Traffic Regulation Order – Disabled Persons’ Parking Place (On Street) Order No. 2A 2018 The Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999		

1.0 PURPOSE

1.1 Further to the statutory consultation process undertaken in terms of the Road Traffic Regulation Act 1984 and the Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999 on the Disabled Persons’ Parking Place (On Street) Order No. 2A (the Proposed TRO), the purpose of this report is to:-

- Request that the Committee adopt the Rules of Procedure for the purposes of the special meeting;
- Advise the Committee in relation to the Proposed TRO of the discussion between Council Officers and the persons who have, as part of the public consultation, objected to the Proposed TRO (the Objectors); and
- Facilitate the effective fair and proper hearing by the Committee of the Objectors who have not withdrawn their objections in order that the Committee can consider their objections (the Objections) and come to a formal recommendation on the Proposed TRO.

2.0 SUMMARY

2.1 Local authorities are empowered to make orders under the Road Traffic Regulation Act 1984 as amended and under the Council’s Scheme of Administration the Head of Environmental and Public Protection is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.

2.2 Officers have undertaken a public consultation process in relation to the Proposed TRO as a result of which three Objections were received and maintained.

2.3 It is necessary that the Objectors be given an opportunity to be heard before the Committee before it reaches a decision on whether or not to recommend the Proposed TRO for formal approval of The Inverclyde Council. The special meeting has been convened to provide such an opportunity.

2.4 Because of the requirements of the statutory process and the formal nature of the special meeting, it is vital that the Objectors have a fair and impartial hearing and the Rules of Procedure provide for this.

3.0 RECOMMENDATIONS

It is recommended that the Committee:

3.1 Approve the Rules of Procedure as detailed in Appendix 1.

3.2 Consider the terms of Appendix 2 in relation to the Objections.

- 3.3 Allow the Objectors an opportunity to be heard at the special meeting in accordance with the Rules of Procedure.
- 3.4 Consider the Objections and such oral representations on it made by the Objectors and officers at the special meeting and thereafter **either**:
- 3.4.1 Dismiss the Objections, approve the Proposed TRO as detailed in Appendix 3 and refer it to the next meeting of The Inverclyde Council recommending that The Inverclyde Council formally approve the Proposed TRO and remit it to the Head of Environmental and Public Protection and the Head of Legal and Property Services to arrange for its implementation in accordance with the statutory procedure;
- or**
- 3.4.2 Uphold in whole or in part the Objections and remit it to the Head of Environmental and Public Protection and the Head of Legal and Property Services to amend the terms of the Proposed TRO to deal with the part or parts of the Objections so upheld in accordance with the decision of the Committee and to report to a future meeting of the Committee with the Proposed TRO as further amended for approval.

all in accordance with the Rules of Procedure.

Gerard Malone
Head of Legal and Property Services

4.0 BACKGROUND

- 4.1 Local authorities are empowered to make Orders under the Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984. Under the Council's Scheme of Administration the Head of Environmental and Public Protection is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.
- 4.2 Officers proceeded with a public consultation process in accordance with the legislation. At its meeting of 25 October 2018 the Environment and Regeneration Committee was updated as to the consultation process and it authorised officers to make arrangements for the holding of a public hearing in the form of this special meeting.
- 4.3 Officers have continued to engage with the Objectors since that date to advise them of the arrangements for and proposed procedure at this special meeting. Officers have provided the Objectors with a statement of case which sets out the position of the Head of Environmental and Public Protection as regards the Proposed TRO; the statement of case is in Appendix 4.
- 4.4 Appendix 2 provides the full text of both the Objections and the correspondence with officers.
- 4.5 Before making a proposed TRO, the Council is, in terms of the Act and the Regulations, required to take into consideration any Objections timeously received by them and to give any Objectors an opportunity to be heard by them. This special meeting is therefore necessary to permit the Objectors to be heard by the Committee in terms of the recommendations above.
- 4.6 As the hearing of Objections is a statutory entitlement for Objectors, the Committee will be discharging legal responsibilities at the special meeting effectively as if it were a formal tribunal or board with the obligations which are already familiar to Elected Members as regards hearing and continuity of attendance.

5.0 PROPOSALS

- 5.1 The form of the Proposed TRO which officers are recommending for approval is included at Appendix 3 of this report.
- 5.2 The special meeting will proceed effectively as if a formal tribunal or board. In the interests of fairness, openness and transparency it is therefore necessary that the basis on which the hearing element of the meeting will proceed be formalised. Officers have therefore prepared draft Rules of Procedure of this meeting per Appendix 1. These have been circulated to the Objectors prior to this meeting and are recommended for approval by the Committee.
- 5.3 Because of the formality of the hearing process and the statutory process for making Management Rules, only certain decisions of the Committee in this matter are competent. Further it is vital that the Objectors have a fair and impartial hearing and the Rules of Procedure provide for this. The decisions which the Committee can competently make are: to dismiss the Objections; to uphold the Objections; or to uphold part of the Objections and dismiss other parts of the Objections. If the Objections are upheld in part, it will be necessary for officers to report back to the Committee at a future date with detailed wording. These eventualities are addressed in the possible Committee outcomes specified in paragraph 3.4.
- 5.4 The Committee is asked to note that, if approved, the Proposed TRO may not be implemented until the making of the Order has been advertised to allow any persons who so wish a period of six weeks to question the validity of the Order in terms of the Road Traffic Regulation Act 1984.

6.0 IMPLICATIONS

Finance

6.1 Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
N/A					

Legal

- 6.2 As a local authority, The Inverclyde Council has power in terms of the Road Traffic Regulation Act 1984 and the Local Authorities Traffic Orders Procedure (Scotland) Regulations 1999 to make Traffic Regulation Orders. In accordance with the statutory procedure, the Proposed TRO has been publicised and three Objections have been received and maintained. Before making the TRO, the Council must take into consideration any Objections timeously received and give the Objectors who maintain their Objections an opportunity to be heard by them.

Human Resources

- 6.3 There are no Human Resources implications associated with the making of the Proposed TRO.

Equalities

- 6.4 There are no Equalities implications associated with the making of the Proposed TRO.

Repopulation

- 6.5 There are no Repopulation implications associated with the making of the Proposed TRO.

7.0 CONSULTATIONS

- 7.1 The Head of Environmental and Public Protection has been consulted on the terms of this report.

8.0 LIST OF BACKGROUND PAPERS

- 8.1 None.

APPENDIX 1

Appendix 1 – Rules of Procedure

INVERCLYDE COUNCIL

ENVIRONMENT AND REGENERATION COMMITTEE

PROCEDURE AT PUBLIC HEARING INTO OBJECTIONS IN RELATION TO TRAFFIC REGULATION ORDER

At the hearing, the order of the proceedings will be as follows:

- a) The Chair will conduct the hearing. Immediately after opening it, he will introduce the members of the Committee and the officer(s) present and identify and list those persons who wish to be heard during the hearing. It is therefore vital that any person who wishes to participate attends the opening.
- b) The Chair will outline the procedure, explaining that the hearing will take the form of a discussion which he will lead based on the agenda issued to those objectors who have indicated to the Council that they wish to attend and be heard at the hearing.
- c) The arrangements for the hearing have been designed to create the right atmosphere for discussion, to eliminate or reduce formalities and to give everybody a fair hearing.
- d) As each objection listed on the agenda is reached, the Chair will identify those persons who wish to engage in the discussion of the particular issue(s) raised by the objection. Several objectors with shared concerns may choose a spokesperson and this will be helpful to the process; in the event that a number of objectors decide to act together in this way, the Chair will allow a reasonable extension of the time limits set out below.
- e) The Council officer(s) will be invited to describe and present the case for the traffic regulation order in respect of which the objection has been made, to set the scene for the discussion, with a time limit of 5 minutes per objection.
- f) Each objector will be invited to speak to his objection and comment on the description/presentation by the Council officer(s), with a time limit of 5 minutes. Repetition of similar points is to be avoided and will be managed by the Chair.
- g) The Council officer(s) will be invited to reply to the speech of the objector (introducing no new material), restricted to a time limit of 5 minutes. The Chair will allow the objector the final word (introducing no new material), if he/she wishes it, restricted to a time limit of 5 minutes. The Chair will discourage repetitive or superfluous comments. He will indicate when he considers that sufficient clarification of a topic has been achieved, and the discussion will then move on to the next item on the agenda. At no time will cross examination be permitted.

h) The members of the Committee will then be invited by the Chair to ask questions of both the Council officer(s) and the objector. The role of the members of the Committee is only to hear, consider and make a decision on the evidence given by Council officer(s) and objectors.

i) The members of the Committee will then adjourn to consider their decision. The decision of the Committee will be intimated to the Council officer(s) and the objectors orally. Any votes will be held in public. It is anticipated that the decision of the members of the Committee will be intimated on the day of the public hearing but, if that is not possible for any reason, the public hearing will be re-convened. If the decision of the members of the Committee is to uphold an objection in whole or in part, the matter may be remitted to Council officer(s) to modify the traffic regulation order to deal with the objection in accordance with the decision of the members and report to a future meeting of the Environment and Regeneration Committee.

APPENDIX 2

66 Flax Way
GREENOCK
PA15 2WJ

15 August 2018

Dear Sir/Madam

Re:- Disabled Persons Parking Place Order No:- 2A 2018

I would like to object to this as Mr Robertson and his family do not live on this street (Flax Way). Mr Robertson also has a drive way.

These spaces are used by family and friends of residents on the street.

As time goes on and children grow older, the demand on the street will be even greater than it already is. I thank you for the opportunity to voice my concerns.

Mr Christopher and Alison Bradley.

TRANSCRIBED FROM ORIGINAL

Enquiries to: Caroline Ross
Telephone: 01475 712115
E-mail: caroline.ross@inverclyde.gov.uk
Our Ref: CR/ECO1506
Your Ref:
Date: 7 September, 2018

Corporate Director: Scott Allan BSc., C.Eng., M.I.C.E.
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Mr & Mrs Christopher Bradley
66 Flax Way
GREENOCK
PA15 2WJ

Dear Mr & Mrs Bradley,

**Traffic Regulation Order
Disabled Persons' Parking Places (On Street) Order No. 2A 2018**

I refer to your formal objection dated 15 August, 2018 regarding the above proposed Disabled Bay in Flax Way. The Head of Environmental and Public Protection has now considered your objection and comments as follows:-

My Officers have visited Flax Way during the day and in the evening and have only ever found 1 car using the visitor parking spaces at any time. Parking provision on Flax Way is in excess of the requirements specified in the National Roads Development Guide which states that 3.5 visitor spaces are required on Flax Way however 6 visitor spaces have been provided with off road parking also in accordance with the Guide which requires 2 spaces for a 2 or 3 bedroom house.

Visitor spaces are available to all residents and members of the general public and it should be noted that any disabled space on a public road can be used by a blue badge holder and is not solely for the use of the applicant.

I trust that the above is of assistance to you and addresses your concerns, however, please do not hesitate to contact Gordon Leitch, Environmental and Public Protection, (Tel: 01475 714800) should you require any further information.

However, should you feel that this information does not address your concerns, the Scottish Government has established a procedure under the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 which provides for a Hearing to consider maintained objections.

If you maintain your objections, the Council will require to consider whether or not it is necessary to convene a Hearing in terms of the Regulations. **Unless I hear from you within 10 days of the date of this letter to confirm that you wish to withdraw your objection, I will assume that your objection is being maintained.**

If a Hearing is to be arranged, you will be notified of your right to be heard by or represented before the Independent Reporter or a Special Meeting of the relevant Council Committee. If you wish/...

wish to exercise this right you will be given at least 21 days' notice of the date of the Hearing. Please also note that any person having an interest in the subject matter of any hearing which may be convened has the right to send written representations for the consideration of the Reporter or the Special Committee.

Finally, I attach for your information a copy of the Council's Privacy Notice relative to the permanent Traffic Regulation Order process.

Yours sincerely,

Gerard Malone
Head of Legal & Property Services

Enquiries to: Joanna Dalgleish
Telephone: 01475 712123
E-mail: joanna.dalgleish@inverclyde.gov.uk
Our Ref: JK/JD ECO1506
Your Ref:
Date: 14 November 2018

Corporate Director: Scott Allan BSc., C.Eng., M.I.C.E.
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

FIRST CLASS SIGNED FOR
Mr. & Mrs. Christopher Bradley
66 Flax Way
GREENOCK
PA15 2WJ



COPY

Dear Mr. & Mrs. Bradley,

**Proposed Traffic Regulation Order
The Inverclyde Council, Disabled Persons' Parking Place (On-Street) Order No. 2A 2018
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

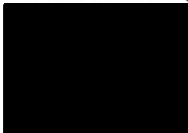
I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order.

I write to confirm that a Special Meeting of the Environment and Regeneration Committee is to be held in this connection and, as a person who has objected to the proposed Traffic Regulation Order, in accordance with Section 9(1) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, I hereby give you notice that, if you so desire, an opportunity will be afforded to you to be heard at the Special Meeting of the Committee in support of your objection. Should you wish to accept this opportunity, you must respond to me **no later than 14 days of the date of this letter** to confirm your desire to attend the Special Meeting of the Committee. Thereafter, I will be in further correspondence with you to confirm the date of the Special Meeting of the Committee.

I confirm that it is open to you to withdraw your objection at any time before the Special Meeting of the Committee.

I look forward to hearing further from you in this connection.

Yours faithfully,



Gerard Malone
Head of Legal and Property Services

01

Joanna Dalglish

From: Joanna Dalglish
Sent: 27 November 2018 09:11
To: 'Alison Bradley'
Subject: RE: (Official) Parking space on flax way

Dear Mrs. Bradley,

Many thanks for your undernoted email.

I have noted your position and shall be in further contact with you in due course to confirm the date/time of the Special Meeting.

Kind Regards
Joanna Dalglish

Joanna Dalglish
Senior Paralegal Officer
Legal & Property Services,
Environment, Regeneration & Resources,
Municipal Buildings,
Clyde Square,
GREENOCK,
INVERCLYDE
PA15 1LX
Tele: 01475 712123
Email: Joanna.Dalglish@inverclyde.gov.uk

Inverclyde Council website – www.inverclyde.gov.uk Inverclyde on Twitter – twitter.com/inverclyde

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-----Original Message-----

From: Alison Bradley [mailto:████████████████████]
Sent: 26 November 2018 19:38
To: Joanna Dalglish
Subject: Parking space on flax way

Dear Joanna,

I am replying to you regarding recent objection letter with regard to proposed disabled parking bay. Myself and my husband continue to object against this and will be available to discuss our reasons against this at hearing.

Yours sincerely

Mrs Alison Bradley
66 flax way
████████████████████

Enquiries to: Joanna Dalglish
Telephone: 01475 712123
E-mail: joanna.dalglish@inverclyde.gov.uk
Our Ref: JK/JD ECO1506
Your Ref:
Date: 5 December 2018

Corporate Director: Scott Allan BSc., C.Eng., M.I.C.E.
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

FIRST CLASS SIGNED FOR
Mr. & Mrs. Christopher Bradley
66 Flax Way
GREENOCK
PA15 2WJ

COPY

Dear Mr. & Mrs. Bradley,

**Proposed Traffic Regulation Order
The Inverclyde Council, Disabled Persons' Parking Place (On-Street) Order No. 2A 2018
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order and in particular to my letter of 14th November 2018 confirming that a Special Meeting of the Environment and Regeneration Committee is to be held in this connection.

In accordance with Section 9(2) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, I hereby give you notice that the Hearing will commence at **1.30pm on Thursday 10th January 2019** in the Council Chambers, Municipal Buildings, Clyde Square, Greenock, PA15 1LX.

Further, in accordance with the Code of Practice, Procedure for Hearings, I enclose a copy of the Council's Statement of Case in relation the proposed Order to which the Council intends to refer at the Special Meeting.

As explained to you in my earlier letter of 14th November, I confirm that you have the right to send written representations for the consideration of the Committee. Should you wish to provide the Council with written representations, please ensure that these are delivered to the Council no later than **19th December 2018**. In addition, if you wish the Committee to have regard to any documents which support your case, please ensure that these are also delivered to the Council no later than **19th December 2018**.

I have noted from our previous correspondence that you will be attending the above Special Meeting.

I look forward to hearing further from you.

Yours faithfully,

[Redacted Signature]

Gerard Malone
Head of Legal and Property Services



Enquiries to: Joanna Dalglish
Telephone: 01475 712123
E-mail: joanna.dalglish@inverclyde.gov.uk
Our Ref: JK/JD ECO1506
Your Ref:
Date: **6 December 2018**

Corporate Director: Scott Allan BSc., C.Eng., M.I.C.E.
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

FIRST CLASS

Mr. & Mrs. Christopher Bradley
66 Flax Way
GREENOCK
PA15 2WJ

Dear Mr. & Mrs. Bradley,

**Proposed Traffic Regulation Order
The Inverclyde Council, Disabled Persons' Parking Place (On-Street) Order No. 2A 2018
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order.

In this connection, Inverclyde Council's Privacy Notice explains how the Council will use any personal data you have provided as part of the Traffic Regulation Order process and a copy of this Notice is attached for your information.

Yours faithfully,


Gerard Malone
Head of Legal and Property Services

Enc.

EXTRACT OF LETTER

Mr Gerard Malone

Head of Legal and Property Services

Environment, Regeneration & Resources

Municipal Buildings

Greenock PA15 1LX



Dear Mr Malone,

I hope you are well. Thank you for allowing my family and I to express our reasons for objecting to the following matter.

I am writing to you regarding Disabled Persons' Parking Spaces (On Street) Order No. 2A 2018 at 59 Flax Way, Greenock, PA15 2WJ.

My family and I still wish to object the proposal requested by Mr James Robertson of 50 Crunes Way, Greenock for the following reasons.

The parking bays, one of which Mr Robertson wants to use as a disabled bay are frequently used by residents, family and visitors to Flax Way, a street which Mr Robertson does not live in. I have attached photographs with the date and time in which they were taken to demonstrate the point of the varied usage of these bays. The safety element for children who play in the street is reduced even more due to the amount of vehicles that need to double park on pavements when visiting the street.

On Inverclyde Council's website under the section "Application for a Disabled Person's Parking Bay" it states to obtain a Disabled Persons Parking Bay the applicant must satisfy the criteria of not having the possibility to construct a driveway or other hard standing area adjacent to the property. Mr Robertson has a driveway and parking spaces opposite his house.

As I had said in my previous objection I am aware and sympathise with the condition of Mr Robertson's [REDACTED] however Mr Robertson will still have a driveway for his vehicle after the extension he is building is completed. When I spoke to Mr Robertson in April of this year regarding the first application for the disabled bay, he said that one of the design ideas Inverclyde Council had suggested for his [REDACTED] was a wet room in one of the rooms upstairs in his home with a lift, which he did not want as it would de-value his home turning it from a four bedroomed house to a three bedroomed house. He stated to me that he had also tried to buy some of the ground beside his property belonging to his neighbours at 48 Crunes Way. I spoke to said neighbours who said he had not approached them on the matter. I found this alarming. It also makes me question what other misleading information has been given?

When Mr Robertson purchased his house at 50 Crunes Way his [REDACTED] condition already existed and had these plans for the changes he would have to make and the knock on-effect this would have to other households. When Mr Robertson came to see us well over a year ago to tell us he was planning to build an extension we had no objections. At the time he said he was planning to have a disabled bay, but I never thought this would happen as he lives in a different street and will still have a driveway once works are completed. When the drawings put in by his Architect were available to view at Inverclyde Planning Online I looked at them and noticed his Architect had made no mention on the drawings of a disabled space on Flax Way.

I served my apprenticeship with Inverclyde Council as plumber and in my years there fitted many disabled access wet rooms. I also worked in Inverclyde Council Planning and Technical Department. For the past 13 years I have worked for West College Scotland (formerly James Watt College) as a lecturer in Construction. I have a very good understanding and ability when it comes to the type of project being undertaken by Mr Robertson. I showed Mr Robertson's drawings to an Architect and Project Manager who work in the College and both were questioning why Mr Robertson could not have access at the front of his house particularly when the only access point to his new extension is at the front of his home. Both my colleagues had seen front access as possible. Mr Robertson had stated to me that front access was not possible and every possibility had been explored by his design team. Recently work stopped on Mr Robertson's extension for three weeks [REDACTED]

[REDACTED] This makes me question the credibility of the advice Mr Robertson was given over exploring every possibility.

In my previous objection to the disabled bay I mentioned that when I spoke to Mr Robertson in April of 2018, he acknowledged that he would not want a disabled bay outside his property. Only last weekend one of Mr Robertson's workmen approached us to ask for access to our property to remove the boundary fence that sits on top of a boundary brick wall put up by Persimmon. We happily granted this. The Persimmon fence was designed in such a way that it allowed light and a view of the River Clyde. Mr Robertson has now put up a "blackout" fence for more privacy. My wife spoke to him after the fence was up as in our opinion it is not the most pleasant to look at, and he was very approachable. He wanted the privacy for his [REDACTED] sake which is understandable, but the point is it is a shared fence that has been removed. Mr Robertson did offer to put up some sort of decorative bamboo fence on our side, but we said just to leave as is. As we thought it would just add to making it look worse. Mr Robertson was very quick to point out in the discussion that the fence was his to do as he pleases without any regard for the rules relating to the matter. We are not pursuing this out of respect for Mr Robertson's privacy issues relating to his garden and also due to the fact we are "burnt out" by the whole experience of the past months events.

Any discussion that we have had with Mr Robertson has not been unpleasant and we have been very understanding of all the work that he has had going on recently. Mr Robertson stated to us only last week that he "just wants to get on with his neighbours". However I can't help but feel that the maintenance of the appearance of his property has influenced his application for a disabled bay which unfortunately has large impact in the residents of a street he does not stay in.

I would like to also take this opportunity to commend Inverclyde Council Staff. In particular Caroline Ross (formerly Shaw) Senior Paralegal , Legal and Property Services and Gordon Leitch Supervisory Engineer (Roads Design) for their pleasant, professional and quick response to all matters regarding the issue.

Yours sincerely,

[Redacted Signature]

13/08/2018

Lee and Alison Clark,

59 Flax Way,

Greenock,

Inverclyde,

PA15 2WJ

Telephone: [Redacted]



6th June 17:34



13th June 17:52



13th June 18:26



13th June 21:07



18th June 17:01



23rd June 17:30



24th June 14:47



25th June 14:10



25th June 17:19



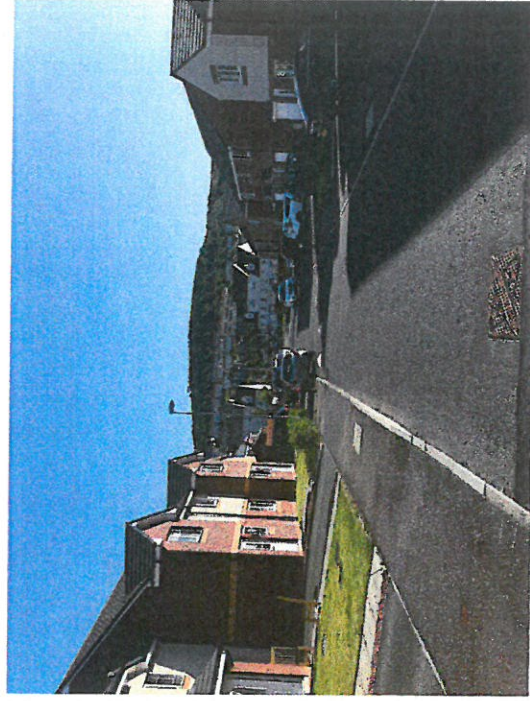
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27th June 17:24



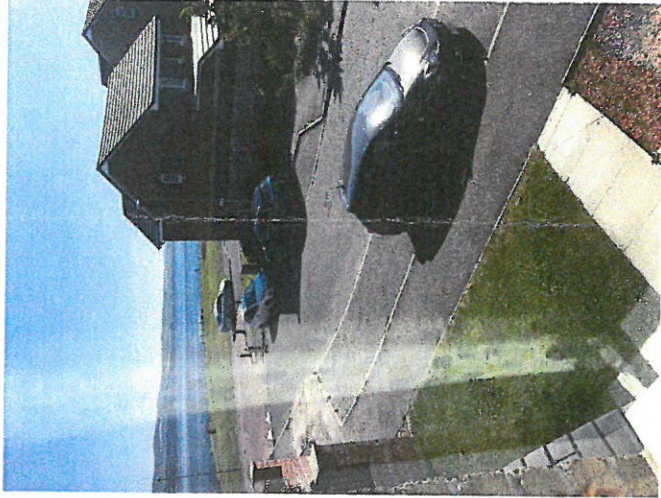
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27th June 18:19



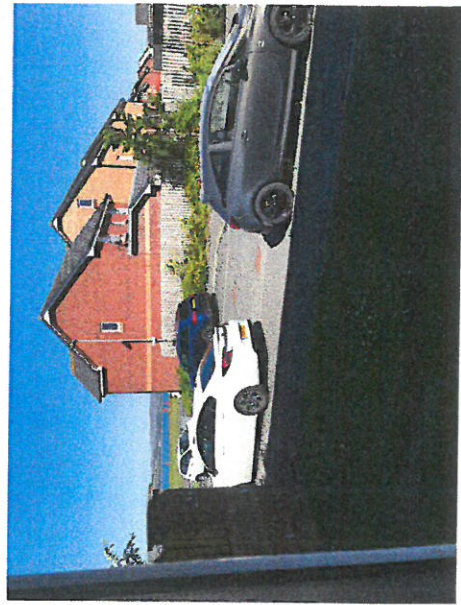
27th June 21:16



30th June 10:06



30th June 10:07



30th June 17:29



1st July 09:41



2nd July 14:44



3rd July 09:48



23rd July 13:26



24th July 18:41



24th July 20:11



25th July 14:46

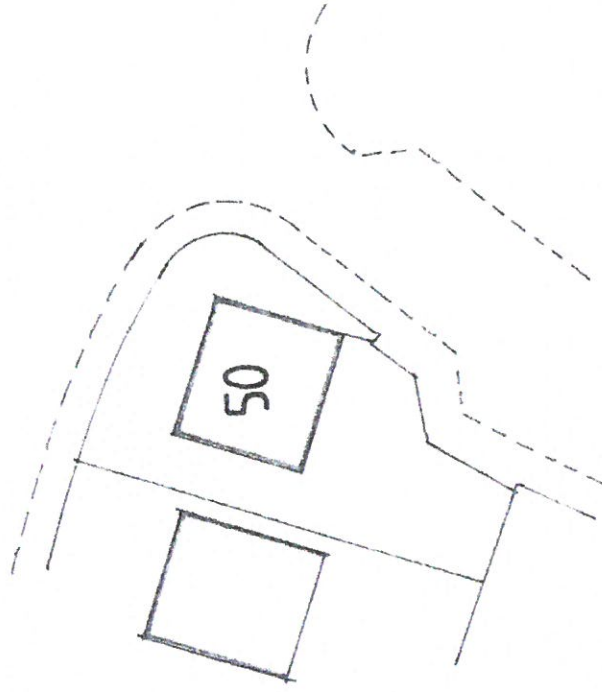
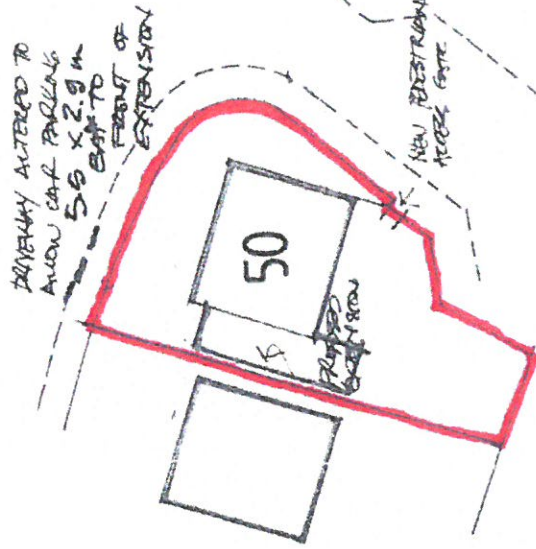
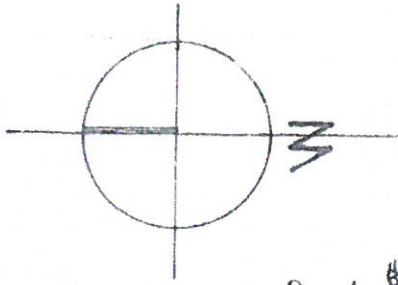


27th July 11:21



2nd August 09:18

Mr Robertson's Architects
Approved Existing Plans,
Elevations, Location and Block
Plan showing alteration to
property with no mention of
Disabled Bay.



Proposed
Block plan 1:500



Enquiries to: Caroline Ross
Telephone: 01475 712115
E-mail: caroline.ross@inverclyde.gov.uk
Our Ref: CR/ECO1506
Your Ref:
Date: 7 September, 2018

Corporate Director: Scott Allan BSc., C.Eng., M.I.C.E.
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Mr & Mrs Lee Clark
59 Flax Way
GREENOCK
PA15 2WJ

Dear Mr & Mrs Clark,

**Traffic Regulation Order
Disabled Persons' Parking Places (On Street) Order No. 2A 2018**

I refer to your formal objection dated 13 August, 2018 regarding the above proposed Disabled Bay in Flax Way. The Head of Environmental and Public Protection has now considered your objection and comments as follows:-

My Officers have visited Flax Way during the day and in the evening and have only ever found 1 car using the visitor parking spaces at any time. Parking provision on Flax Way is in excess of the requirements specified in the National Roads Development Guide which states that 3.5 visitor spaces are required on Flax Way however 6 visitor spaces have been provided with off road parking also in accordance with the Guide which requires 2 spaces for a 2 or 3 bedroom house.

Visitor spaces are available to all residents and members of the general public and it should be noted that any disabled space on a public road can be used by a blue badge holder and is not solely for the use of the applicant.

The applicant has applied for a disabled space to the rear/side of the property, where he intends to construct a ramped access due to the restricted access to the front of the property. While I appreciate the applicant's address is on Crunes Way his house is also on Flax Way and the disabled access is to the rear of the property. A disabled bay is intended to be as close as possible to the house which is why my Officers have agreed that the closest location to house the disabled access is at the side and not to the front or in the visitor spaces on Crunes Way where the applicant would have to cross a road to get to his property which would increase the risk of an accident.

I trust that the above is of assistance to you and addresses your concerns, however, please do not hesitate to contact Gordon Leitch, Environmental and Public Protection, (Tel: 01475 714800) should you require any further information.

However, should you feel that this information does not address your concerns, the Scottish Government has established a procedure under the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 which provides for a Hearing to consider maintained objections.

If/...

If you maintain your objections, the Council will require to consider whether or not it is necessary to convene a Hearing in terms of the Regulations. **Unless I hear from you within 10 days of the date of this letter to confirm that you wish to withdraw your objection, I will assume that your objection is being maintained.**

If a Hearing is to be arranged, you will be notified of your right to be heard by or represented before the Independent Reporter or a Special Meeting of the relevant Council Committee. If you wish to exercise this right you will be given at least 21 days' notice of the date of the Hearing. Please also note that any person having an interest in the subject matter of any hearing which may be convened has the right to send written representations for the consideration of the Reporter or the Special Committee.

Finally, I attach for your information a copy of the Council's Privacy Notice relative to the permanent Traffic Regulation Order process.

Yours sincerely,

Gerard Malone
Head of Legal & Property Services

Enquiries to: Joanna Dalgleish
Telephone: 01475 712123
E-mail: joanna.dalgleish@inverclyde.gov.uk
Our Ref: JK/JD ECO1506
Your Ref:
Date: **14 November 2018**

Corporate Director: **Scott Allan BSc., C.Eng., M.I.C.E.**
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

FIRST CLASS SIGNED FOR

Mr. & Mrs. Lee Clark
59 Flax Way
GREENOCK
PA15 2WJ



Dear Mr. & Mrs. Clark,

**Proposed Traffic Regulation Order
The Inverclyde Council, Disabled Persons' Parking Place (On-Street) Order No. 2A 2018
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order.

I write to confirm that a Special Meeting of the Environment and Regeneration Committee is to be held in this connection and, as a person who has objected to the proposed Traffic Regulation Order, in accordance with Section 9(1) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, I hereby give you notice that, if you so desire, an opportunity will be afforded to you to be heard at the Special Meeting of the Committee in support of your objection. Should you wish to accept this opportunity, you must respond to me **no later than 14 days of the date of this letter** to confirm your desire to attend the Special Meeting of the Committee. Thereafter, I will be in further correspondence with you to confirm the date of the Special Meeting of the Committee.

I confirm that it is open to you to withdraw your objection at any time before the Special Meeting of the Committee.

I look forward to hearing further from you in this connection.

Yours faithfully,



Gerard Malone
Head of Legal and Property Services

Handwritten initials

Joanna Dalglish

From: Joanna Dalglish
Sent: 16 November 2018 09:31
To: 'Lee Clark'
Subject: RE: (Official) Proposed Traffic Regulation Order No 2A 2018 Special Meeting

Dear Mr. Clark,

Many thanks for your undernoted email. I have noted your position and shall be in further contact with you in due course to confirm the date/time of the Special Meeting.


Kind Regards,
Joanna Dalglish

Joanna Dalglish
Senior Paralegal Officer
Legal & Property Services,
Environment, Regeneration & Resources,
Municipal Buildings,
Clyde Square,
GREENOCK,
INVERCLYDE
PA15 1LX
Tele: 01475 712123
Email: Joanna.Dalglish@inverclyde.gov.uk

Inverclyde Council website – www.inverclyde.gov.uk Inverclyde on Twitter – twitter.com/inverclyde

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-----Original Message-----

From: Lee Clark [<mailto:> 
Sent: 16 November 2018 08:38
To: Joanna Dalglish
Subject: Proposed Traffic Regulation Order No 2A 2018 Special Meeting


Hi Joanna,

I am writing to respond to the recorded letter we received regarding the invitation to attend the special meeting regarding the proposed Traffic Regulation Order No 2A at 59 Flax Way, Greenock.

I confirm our desire to attend the special meeting.

Thank you for presenting this opportunity.

Best wishes, Lee and Alison Clark.



Enquiries to: Joanna Dalglish
Telephone: 01475 712123
E-mail: joanna.dalglish@inverclyde.gov.uk
Our Ref: JK/JD ECO1506
Your Ref:
Date: 5 December 2018

Corporate Director: Scott Allan BSc., C.Eng., M.I.C.E.
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

FIRST CLASS SIGNED FOR

Mr. & Mrs. Lee Clark
59 Flax Way
GREENOCK
PA15 2WJ

COPY

Dear Mr. & Mrs. Clark,

**Proposed Traffic Regulation Order
The Inverclyde Council, Disabled Persons' Parking Place (On-Street) Order No. 2A 2018
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order and in particular to my letter of 14th November 2018 confirming that a Special Meeting of the Environment and Regeneration Committee is to be held in this connection.

In accordance with Section 9(2) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, I hereby give you notice that the Hearing will commence at **1.30pm on Thursday 10th January 2019** in the Council Chambers, Municipal Buildings, Clyde Square, Greenock, PA15 1LX.

Further, in accordance with the Code of Practice, Procedure for Hearings, I enclose a copy of the Council's Statement of Case in relation the proposed Order to which the Council intends to refer at the Special Meeting.

As explained to you in my earlier letter of 14th November, I confirm that you have the right to send written representations for the consideration of the Committee. Should you wish to provide the Council with written representations, please ensure that these are delivered to the Council no later than **19th December 2018**. In addition, if you wish the Committee to have regard to any documents which support your case, please ensure that these are also delivered to the Council no later than **19th December 2018**.

I have noted from our previous correspondence that you will be attending the above Special Meeting.

I look forward to hearing further from you.

Yours faithfully,



Gerard Malone
Head of Legal and Property Services

Enquiries to: Joanna Dalglish
Telephone: 01475 712123
E-mail: joanna.dalglish@inverclyde.gov.uk
Our Ref: JK/JD ECO1506
Your Ref:
Date: **6 December 2018**

Corporate Director: **Scott Allan BSc., C.Eng., M.I.C.E.**
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

FIRST CLASS

Mr. & Mrs. Lee Clark
59 Flax Way
GREENOCK
PA15 2WJ

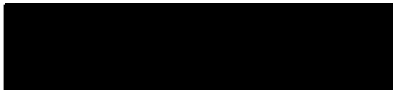
Dear Mr. & Mrs. Clark,

**Proposed Traffic Regulation Order
The Inverclyde Council, Disabled Persons' Parking Place (On-Street) Order No. 2A 2018
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order.

In this connection, Inverclyde Council's Privacy Notice explains how the Council will use any personal data you have provided as part of the Traffic Regulation Order process and a copy of this Notice is attached for your information.

Yours faithfully,



Gerard Malone
Head of Legal and Property Services

Enc.

57 Flax Way
Greenock
PA15 2WJ

30TH August 2018

Head of Legal & Property Services
Inverclyde District Council
Municipal Buildings
Greenock
PA15 1LX

Dear Sir/Madam

Re: Disabled Persons Parking Places : OBJECTION
(on street) order number 2a 2018

With reference to the above notice, I am writing this letter as formal objection to the proposal. The parking in Flax Way is at a premium and for one of these spaces to be taken away and used as a "disabled" space is ludicrous. The person in question does not live in Flax Way and therefore cannot understand why this notice is being posted again. There is adequate parking at the said person's property and across the street from their property therefore should this not be taken into consideration before embarking on other people's limited road space.

Flax Way is a family environment and at the moment when visitors, workmen, family etc park at people's properties then it becomes quite convoluted and we as parents find this a huge risk to our children. I realise the person in question is looking after his child but we must also look after our children. Cars at the moment have got to park up on the pavement as for my property and the property next door we only have 2 "visitors" places allocated on our side of the road between us therefore these places are like gold dust and used frequently. How many places does the person who is lodging this application require as from my understanding they have a driveway, with three visitors parking spaces immediately across the road, a luxury we do not have.

As you can imagine I am totally bereft of any understanding of this application and feel I have been totally reasonable in my OBJECTION..... !! Selfishness seems to have taken over sensibility in this case on the part of the applicant.

Surely commonsense must prevail with this application.

Yours Sincerely

Stephanie Clark & Stuart Burns

Enquiries to: Caroline Ross
Telephone: 01475 712115
E-mail: caroline.ross@inverclyde.gov.uk
Our Ref: CR/ECO1506
Your Ref:
Date: 7 September, 2018

Corporate Director: Scott Allan BSc., C.Eng., M.I.C.E.
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Stuart Burns & Stephanie Clark
57 Flax Way
GREENOCK
PA15 2WJ

Dear Sir & Madam,

**Traffic Regulation Order
Disabled Persons' Parking Places (On Street) Order No. 2A 2018**

I refer to your formal objection dated 30 August, 2018 regarding the above proposed Disabled Bay in Flax Way. The Head of Environmental and Public Protection has now considered your objection and comments as follows:-

My Officers have visited Flax Way during the day and in the evening and have only ever found 1 car using the visitor parking spaces at any time. Parking provision on Flax Way is in excess of the requirements specified in the National Roads Development Guide which states that 3.5 visitor spaces are required on Flax Way however 6 visitor spaces have been provided with off road parking also in accordance with the Guide which requires 2 spaces for a 2 or 3 bedroom house.

Visitor spaces are available to all residents and members of the general public and it should be noted that any disabled space on a public road can be used by a blue badge holder and is not solely for the use of the applicant.

The applicant has applied for a disabled space to the rear/side of the property, where he intends to construct a ramped access due to the restricted access to the front of the property. While I appreciate the applicant's address is on Crunes Way his house is also on Flax Way and the disabled access is to the rear of the property. A disabled bay is intended to be as close as possible to the house which is why my Officers have agreed that the closest location to house the disabled access is at the side and not to the front or in the visitor spaces on Crunes Way where the applicant would have to cross a road to get to his property which would increase the risk of an accident.

I trust that the above is of assistance to you and addresses your concerns, however, please do not hesitate to contact Gordon Leitch, Environmental and Public Protection, (Tel: 01475 714800) should you require any further information.

However, should you feel that this information does not address your concerns, the Scottish Government has established a procedure under the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 which provides for a Hearing to consider maintained objections.

If/...

If you maintain your objections, the Council will require to consider whether or not it is necessary to convene a Hearing in terms of the Regulations. **Unless I hear from you within 10 days of the date of this letter to confirm that you wish to withdraw your objection, I will assume that your objection is being maintained.**

If a Hearing is to be arranged, you will be notified of your right to be heard by or represented before the Independent Reporter or a Special Meeting of the relevant Council Committee. If you wish to exercise this right you will be given at least 21 days' notice of the date of the Hearing. Please also note that any person having an interest in the subject matter of any hearing which may be convened has the right to send written representations for the consideration of the Reporter or the Special Committee.

Finally, I attach for your information a copy of the Council's Privacy Notice relative to the permanent Traffic Regulation Order process.

Yours sincerely,

Gerard Malone
Head of Legal & Property Services

Enquiries to: Joanna Dalgleish
Telephone: 01475 712123
E-mail: joanna.dalgleish@inverclyde.gov.uk
Our Ref: JK/JD ECO1506
Your Ref:
Date: 14 November 2018

Corporate Director: Scott Allan BSc., C.Eng., M.I.C.E.
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

FIRST CLASS SIGNED FOR

Mr. Stuart Burns & Ms. Stephanie Clark
57 Flax Way
GREENOCK
PA15 2WJ



COPY

Dear Mr. Burns and Ms. Clark,

**Proposed Traffic Regulation Order
The Inverclyde Council, Disabled Persons' Parking Place (On-Street) Order No. 2A 2018
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

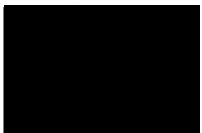
I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order.

I write to confirm that a Special Meeting of the Environment and Regeneration Committee is to be held in this connection and, as a person who has objected to the proposed Traffic Regulation Order, in accordance with Section 9(1) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, I hereby give you notice that, if you so desire, an opportunity will be afforded to you to be heard at the Special Meeting of the Committee in support of your objection. Should you wish to accept this opportunity, you must respond to me **no later than 14 days of the date of this letter** to confirm your desire to attend the Special Meeting of the Committee. Thereafter, I will be in further correspondence with you to confirm the date of the Special Meeting of the Committee.

I confirm that it is open to you to withdraw your objection at any time before the Special Meeting of the Committee.

I look forward to hearing further from you in this connection.

Yours faithfully,



Gerard Malone
Head of Legal and Property Services

Joanna Dalglish

From: Joanna Dalglish
Sent: 26 November 2018 09:33
To: 'Stephanie Clark'
Subject: RE: (Official) Order no: 2A 2018

Dear Ms. Clark,

I acknowledge safe receipt of your undernoted e-mail and have noted your intention to attend the Special Meeting of the Environment & Regeneration Committee.

I will be in touch further shortly to confirm to the date/time of the Special Meeting.

Kind Regards,
Joanna Dalglish

Joanna Dalglish
Senior Paralegal Officer
Legal & Property Services,
Environment, Regeneration & Resources,
Municipal Buildings,
Clyde Square,
GREENOCK,
INVERCLYDE
PA15 1LX
Tele: 01475 712123
Email: Joanna.Dalglish@inverclyde.gov.uk

Inverclyde Council website – www.inverclyde.gov.uk Inverclyde on Twitter – twitter.com/inverclyde

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-----Original Message-----

From: Stephanie Clark [mailto:stephanie.clark@inverclyde.gov.uk]
Sent: 26 November 2018 09:11
To: Joanna Dalglish
Subject: Order no: 2A 2018

Hi Joanna,

I will be attending the special meeting of the committee. Just to inform yourself that I'm away on holiday from 6th-16th December I would appreciate if the meeting could be scheduled thereafter.

Kind regards

Stephanie Clark

Enquiries to: Joanna Dalglish
Telephone: 01475 712123
E-mail: joanna.dalglish@inverclyde.gov.uk
Our Ref: JK/JD ECO1506
Your Ref:
Date: 5 December 2018

Corporate Director: Scott Allan BSc., C.Eng., M.I.C.E.
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

FIRST CLASS SIGNED FOR

Mr. Stuart Burns & Ms. Stephanie Clark
57 Flax Way
GREENOCK
PA15 2WJ

COPY

Dear Mr. Burns and Ms. Clark,

**Proposed Traffic Regulation Order
The Inverclyde Council, Disabled Persons' Parking Place (On-Street) Order No. 2A 2018
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order and in particular to my letter of 14th November 2018 confirming that a Special Meeting of the Environment and Regeneration Committee is to be held in this connection.

In accordance with Section 9(2) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, I hereby give you notice that the Hearing will commence at **1.30pm on Thursday 10th January 2019** in the Council Chambers, Municipal Buildings, Clyde Square, Greenock, PA15 1LX.

Further, in accordance with the Code of Practice, Procedure for Hearings, I enclose a copy of the Council's Statement of Case in relation the proposed Order to which the Council intends to refer at the Special Meeting.

As explained to you in my earlier letter of 14th November, I confirm that you have the right to send written representations for the consideration of the Committee. Should you wish to provide the Council with written representations, please ensure that these are delivered to the Council no later than **19th December 2018**. In addition, if you wish the Committee to have regard to any documents which support your case, please ensure that these are also delivered to the Council no later than **19th December 2018**.

I have noted from our previous correspondence that you will be attending the above Special Meeting.

I look forward to hearing further from you.

Yours faithfully,


Gerard Malone
Head of Legal and Property Services

Enquiries to: Joanna Dalglish
Telephone: 01475 712123
E-mail: joanna.dalglish@inverclyde.gov.uk
Our Ref: JK/JD ECO1506
Your Ref:
Date: **6 December 2018**

Corporate Director: Scott Allan BSc., C.Eng., M.I.C.E.
Environment, Regeneration & Resources

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

FIRST CLASS

Mr. Stuart Burns & Ms. Stephanie Clark
57 Flax Way
GREENOCK
PA15 2WJ

Dear Mr. Burns and Ms. Clark,

**Proposed Traffic Regulation Order
The Inverclyde Council, Disabled Persons' Parking Place (On-Street) Order No. 2A 2018
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order.

In this connection, Inverclyde Council's Privacy Notice explains how the Council will use any personal data you have provided as part of the Traffic Regulation Order process and a copy of this Notice is attached for your information.

Yours faithfully,

[Redacted Signature]

Gerard Malone
Head of Legal and Property Services

Enc.

APPENDIX 3

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACE
(ON-STREET) ORDER NO. 2A 2018

TRAFFIC REGULATION ORDER

DRAFT

**THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACE (ON-STREET)
ORDER NO. 2A 2018**

The Inverclyde Council in exercise of the powers conferred on them by Section 32(1) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the Act hereby make the following Order.

1. This Order may be cited as "The Inverclyde Council Disabled Persons' Parking Place (On-Street) Order No. 2A 2018" and shall come into operation on ??????????????, 2018.
2. In this Order the following expressions have the meanings hereby assigned to them:-

"Council" means The Inverclyde Council or its successors as Roads Authority;

"disabled person's badge" means:

 - (a) a badge issued under Section 21 of the Chronically Sick and Disabled Persons Act 1970 (as amended);
 - (b) a badge issued under a provision of the law of Northern Ireland corresponding to that section; or
 - (c) a badge issued by any member State other than the United Kingdom for purposes corresponding to the purposes for which badges under that section are issued;

and which has not ceased to be in force;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge;

"parking attendant" means a person employed in accordance with Section 63A of the Act to carry out the functions therein;

"parking place" means the area of land specified by number and name in Columns 1 and 2 in the Schedule to this Order;

"traffic sign" means a sign prescribed or authorised under Section 64 of the Act; and

"vehicle" unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether or not by mechanical power.
3. The Schedule titled "Disabled Persons' Parking Place (On Street) Order No. 2A 2018" forms the Schedule to this Order.
4. The area of road which is described in the Schedule to this Order and the plan relative to this Order is hereby designated as a parking place.
5. The parking place shall only be used for the leaving of disabled persons' vehicles displaying a valid disabled person's badge.

6. The limits of the parking place shall be indicated on the carriageway as prescribed by The Traffic Signs Regulations and General Directions 2016, as amended.

7. Every vehicle left in the parking place shall stand such that the parking place is not occupied by more than one vehicle and that every part of the vehicle is within the limits of the parking place provided that, where the length of a vehicle precludes compliance with this paragraph, such vehicle shall be deemed to be within the limits of the parking place if:-

the extreme front portion or, as the case may be, the extreme rear portion of the vehicle is within 300mm of an indication on the carriageway provided under this Order in relation to the parking place; and

the vehicle, or any part thereof, is not within the limits of any adjoining parking place.

8. Any person duly authorised by the Council or a police officer in uniform or a traffic warden or parking attendant may move or cause to be moved in case of any emergency, to any place they think fit, vehicles left in the parking place.

9. Any person duly authorised by the Council may suspend the use of the parking place or any part thereof whenever such suspension is considered reasonably necessary:-

for the purpose of facilitating the movement of traffic or promoting its safety;

for the purpose of any building operation, demolition, or excavation in or adjacent to the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe, apparatus for the supply of gas, water electricity or of any telecommunications apparatus, traffic sign or parking meter;

for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;

on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or

for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions.

10. A police officer in uniform may suspend for not longer than twenty four hours the use of the parking place or part thereof whenever such suspension is considered reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

Sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by #####, Proper Officer, on the ##### day of #####, Two Thousand and Eighteen.

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACE
(ON-STREET) ORDER NO. 2A 2018

**Statement of Reasons for Proposing to Make
the above Order**

It is considered necessary in order to comply with The Disabled Persons' Parking Places (Scotland) Act 2009, Section 5, to make the above Order to provide assistance for disabled persons who hold a badge under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended.

Martin McNab
Head of Environmental & Public Protection
Vehicle Maintenance Facility
8 Pottery Street
Greenock

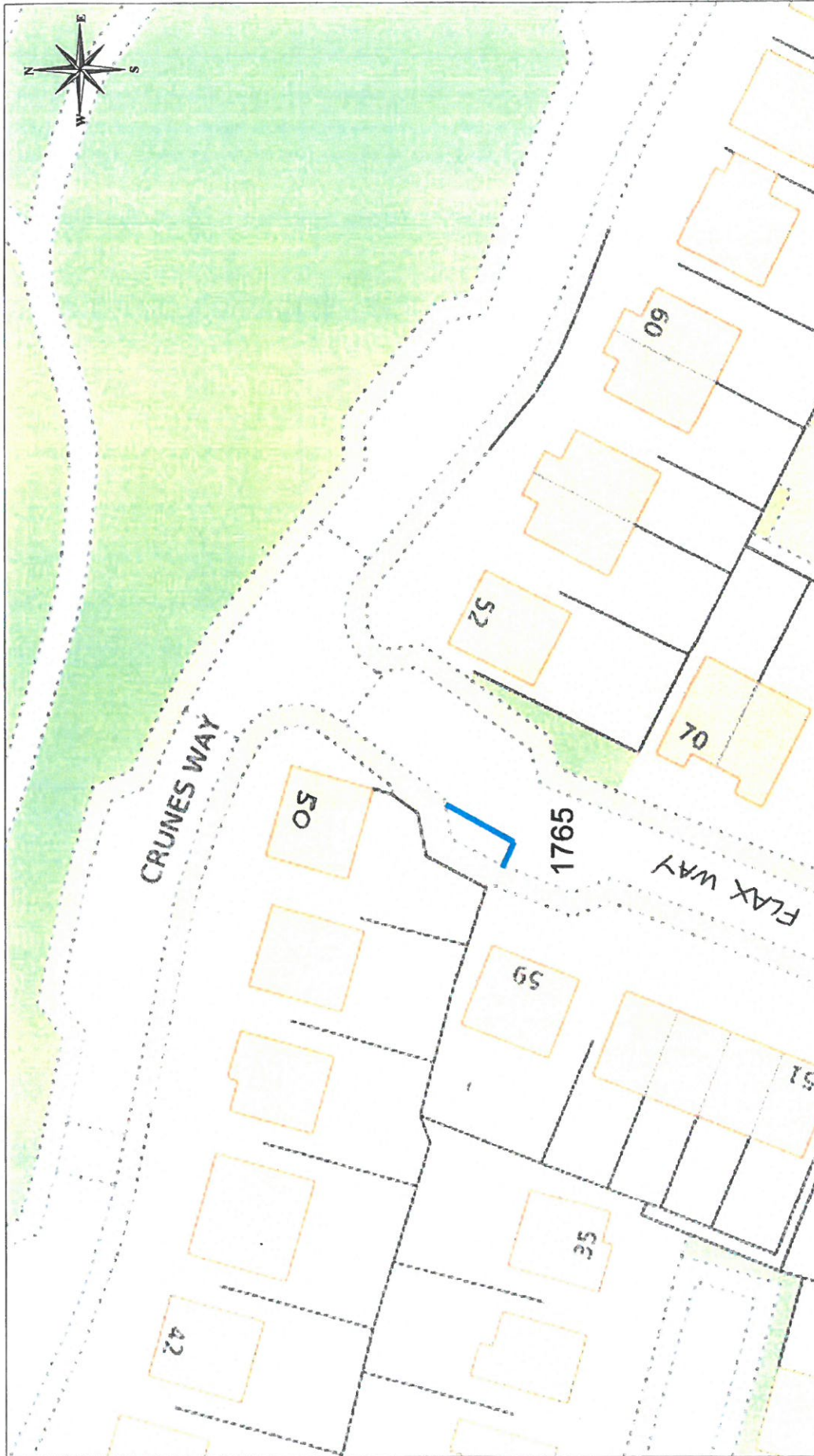
INVERCLYDE COUNCIL

**DISABLED PERSONS' PARKING PLACE (ON-STREET)
ORDER No. 2A 2018**

SCHEDULE

All and whole that area of ground as described in Column 2 in the table below:

Column 1	Column 2
<u>Ref No.</u>	<u>Address of Disabled Persons' Parking Place to be created "ex-adverso"</u>
1765	59 Flax Way, Greenock




 Ordnance Survey
 Licensed System Supplier
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DISABLED PERSONS' PARKING PLACE
59 FLAX WAY, GREENOCK
PLACE No. 1765

Inverclyde
 council
Environmental Services

Regeneration & Environment
 Corporate Director: Aubrey Fawcett
 Municipal Buildings
 Clyde Square
 Greenock
 PA15 1LY
 Tel: 01475 712712
 Fax: 01475 712731
 aubrey.fawcett@inverclyde.gov.uk

APPENDIX 4

**THE INVERCLYDE COUNCIL DISABLED PERSONS'
PARKING PLACES (ON-STREET) ORDER
No.2A 2018**

TRAFFIC REGULATION ORDER

STATEMENT OF CASE

Background

Statement of Reasons

It is considered necessary, in order to comply with Section 5 of The Disabled Persons' Parking Places (Scotland) Act 2009, to make the above Order to provide assistance for a disabled person who holds a badge under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended.

Introduction

The provision of on-road parking places for use by disabled drivers, who are the holders of Disabled Driver's Badges, is regulated by The Disabled Persons' Parking Places (Scotland) Act 2009. Inverclyde Council is required to promote a Traffic Regulation Order (TRO) to regulate the use of such parking places. The proposed TRO will restrict parking to vehicles which display a Blue Badge only and will enable enforcement of such restrictions by Council Parking Enforcement Officers.

In order to timeously process applications for Disabled Persons' Parking Places, four TROs are generally processed in each calendar year.

This Statement of Case refers to the proposed Disabled Persons' Parking Places TRO No.2A of 2018.

Public Consultation

The proposed TRO was issued for public consultation on 10 August 2018 with responses invited by 31 August 2018. Three maintained objections were received in relation to this TRO in relation to the Disabled Persons' Parking Place (DPPP) ref: 1765, ex-adverso 59 Flax Way, Greenock.

Location Description

Flax Way and Crunes Way are located in the Kingston Dock area of Greenock in a residential area. The applicant for this disabled bay resides at 50 Crunes Way, however the proposed disabled bay will be located in a layby on Flax Way adjacent to No. 59. 50 Crunes Way is on the corner of Crunes Way and Flax Way and, in order to provide access to the Disability Discrimination Act compliant entrance to the property, the layby on Flax Way is more appropriate. The layby is on the public road and, at the time of its formation, was intended as visitor parking.

Maintained Objections and the Council's Responses

There were key themes to the objections raised. The key themes are listed below and details of the Council's responses to each of these are provided.

Loss of Parking:

Objection: The provision of a disabled bay on Flax Way will result in a loss of parking on a street which the applicant does not live on.

The spaces where the disabled bay will be located are used by those who visit residents living on Flax Way.

Over time, as children living on the street grow up and own cars, the demand on the street will be even greater than it is now.

Response: Officers of Inverclyde Council have visited Flax Way during the day and in the evening and have only ever found 1 car using the visitor parking spaces at any time. Parking provision on Flax Way is in excess of the requirements of the National Roads Development Guide which states that 3.5 visitor spaces are required on Flax Way; however, 6 visitor spaces have been provided with off-road parking also in accordance with the Guide which requires 2 spaces for a 2 or 3 bedroom house.

Visitor spaces are available to all residents and members of the general public and it should be noted that any disabled space on a public road can be used by a blue badge holder and is not solely for the use of the applicant.

Council Officers have visited the site at various times between 27 November and 3 December 2018 to monitor use of the layby and have found that there is always at least 1 unoccupied space in the layby.

Applicant has private parking:

Objection: In the section entitled “Application for a Disabled Person’s Parking Bay” on Inverclyde Council’s website it states that a Disabled Persons Parking Bay may be provided where “It is not possible to construct a driveway or other hardstanding area adjacent to the property”. Mr. Robertson has a driveway and parking spaces in a layby opposite his house.

Response: The applicant has applied for a disabled space to the rear/side of the property, where he intends to construct a ramped access due to the restricted access to the front of the property. While it is appreciated that the applicant’s address is on Crunes Way, his house is also on Flax Way and the disabled access is to the rear of the property. A disabled bay is intended to be as close as possible to the house; this is why Council Officers have agreed that the closest location to the house and the disabled access is at the side and not to the front or in the visitor spaces on Crunes Way, where the applicant would have to cross a road to get to his property which would increase the risk of an accident.

Ramped Access to Property:

Objection: A ramped access could be provided to the front of the property adjacent to the driveway which removes the need for a disabled bay.

Response: The applicant has advised that it is not possible to construct a ramp to the front of the property. The applicant intends to construct a ramp to the rear of the property, hence the request for a disabled bay on Flax Way where the rear of the property can be more easily accessed.

Council Officers have considered whether a ramped access could be provided at the front of the property. They found the presence of 3 steps to get from the path into the property. Given the relatively shallow depth of the front garden and proximity of the driveway it would not be possible to provide an access compliant with the Disability Discrimination Act. The photographs overleaf show the front of the door and garden prior to and after the construction of the extension.





Conclusion

The Council submits that all of the objections should be dismissed and the Order made as proposed.