
Report To:	Environment & Regeneration Committee	Date:	28 August 2025
Report By:	Head of Legal, Democratic, Digital & Customer Services	Report No:	LS/106/25
Contact Officer:	Emma Peacock	Contact No:	01475 712115
Subject:	Proposed Traffic Regulation Order - The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order No.5 2024 The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999		

1.0 PURPOSE AND SUMMARY

1.1 ☒ For Decision ☐ For Information/Noting

1.2 Further to the statutory consultation process undertaken in terms of the Road Traffic Regulation Act 1984 as amended (the Act) and the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 (the Regulations) on The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order No.5 2024 (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 person who has, as part of the public consultation, objected to the Proposed TRO (the Objector); and
- Facilitate the effective fair and proper hearing by the Committee of the Objector who has not withdrawn their objection in order that the Committee can consider their objection (the Objection) and come to a formal recommendation on the Proposed TRO.

1.3 Officers have undertaken a public consultation process in relation to the Proposed TRO. The Proposed TRO was issued for public consultation on 14 February 2025 with responses invited by 21 March 2025. At the end of this consultation period, one objection was received. Officers have written to the Objector following receipt of the Objection. However, despite correspondence with officers, the Objection has been maintained.

1.4 It is necessary that the Objector be given an opportunity to be heard before the Committee before it reaches a decision on whether or not to approve the Proposed TRO. The special meeting has been convened to provide such an opportunity.

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

2.0 RECOMMENDATIONS

It is recommended that the Committee:

- 2.1 Approve the Rules of Procedure as detailed in Appendix 1.
- 2.2 Consider the terms of Appendix 2 in relation to the Objection.
- 2.3 Allow the Objector an opportunity to be heard at the special meeting in accordance with the Rules of Procedure.
- 2.4 Consider the Objection and such oral representations on it made by the Objector and officers at the special meeting and thereafter either:

2.4.1 Dismiss the Objection, approve the Proposed TRO as detailed in Appendix 3 and remit it to the Head of Legal, Democratic, Digital and Customer Services to formally make the TRO and carry out the associated actions in connection with the same;

Or

2.4.2 Uphold in whole or in part the Objection and remit it to the Head of Physical Assets and the Head of Legal, Democratic, Digital and Customer Services to amend the terms of the Proposed TRO to deal with the part or parts of the Objection 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.

Lynsey Brown
Head of Legal, Democratic, Digital & Customer Services

3.0 BACKGROUND AND CONTEXT

- 3.1 Local Authorities are empowered to make Orders under the Act and under the Council's Scheme of Delegation the Head of Physical Assets is responsible for the making, implementation and review of Traffic Regulation Orders.
- 3.2 Officers proceeded with a public consultation process in relation to the Proposed TRO in accordance with the legislation. At its meeting of 15 May 2025 this 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.
- 3.3 Officers have continued to engage with the Objector since that date to advise them of the arrangements for and proposed procedure at this special meeting. Officers have provided the Objector with a statement of case which sets out the position of the Head of Physical Assets as regards the Proposed TRO; the statement of case is in Appendix 4.
- 3.4 Appendix 2 provides the full text of the Objection and correspondence with Officers.
- 3.5 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 Objector to be heard by the Committee in terms of the recommendations above.
- 3.6 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.

4.0 PROPOSALS

- 4.1 The form of the Proposed TRO which officers are recommending for approval is included at Appendix 3 of this report.
- 4.2 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 Objector prior to this meeting and are recommended for approval by the Committee.
- 4.3 Because of the formality of the hearing process and the statutory process for making TROs, only certain decisions of the Committee in this matter are competent. Further, it is vital that the Objector has 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 Objection; to uphold the Objection; or to uphold part of the Objection and dismiss other parts of the Objection. If the Objection is upheld in part, it will be necessary for officers to report back to the Committee at a future date with a further report on the implications of such a decision. These eventualities are addressed in the possible Committee decisions included in paragraph 2.4.
- 4.4 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 Act.

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial	x	
Legal/Risk	x	
Human Resources		x
Strategic (Partnership Plan/Council Plan)		x
Equalities, Fairer Scotland Duty & Children & Young People's Rights & Wellbeing		x
Environmental & Sustainability		x
Data Protection		x

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
Capital	Other Assets	25/26	£0.5k		Spend on road sign and lines if DPPP approved. Proposed spend does not include potential cost of hearing.

Annually Recurring Costs/ (Savings)

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

5.3 Legal/Risk

The legal implications are summarised in this report.

5.4 Human Resources

There are no Human Resources implications directly associated with the proposal.

5.5 Strategic

There are no direct strategic implications as a result of this report.

5.6 Equalities, Fairer Scotland Duty & Children/Young People

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES – Assessed as relevant and an EqIA is required
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

(b) Fairer Scotland Duty

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: Provide reasons why the report has been assessed as not relevant.

(c) Children & Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

5.7 Environmental/Sustainability

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

5.8 **Data Protection**

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

6.0 **CONSULTATION**

6.1 The Head of Physical Assets has been consulted on the terms of this report.

7.0 **BACKGROUND PAPERS**

7.1 N/A

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.

Emma Peacock

From: Emma Peacock
Sent: 25 June 2025 12:28
To: roslyn cheevers
Subject: RE: Objection - TRO DPPP No.5 2024
Attachments: FINAL DPPP No 5 24 Statement of Case.docx

Dear Ms Tonner,

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order and my email below.

I now enclose the Council's Statement of Case in relation to the proposals to which the Council intends to refer at the Special Meeting.

I look forward to hearing from you.

Kind regards,

Emma

Emma Peacock
Solicitor
Legal, Democratic, Digital and Customer Services
Inverclyde Council
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Tel: 01475 712115

From: Emma Peacock
Sent: 16 June 2025 17:41
To: roslyn cheevers [REDACTED]
Subject: RE: Objection - TRO DPPP No.5 2024

Dear Ms Tonner,

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 which shall commence at **2pm on Thursday 28th August 2025** in the Council Chambers, Municipal Buildings, Clyde Square, Greenock, PA15 1LX.

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 in writing

within 14 days of the date of this email to confirm your desire to attend the Special Meeting of the Committee.

You may either attend the meeting in person at the Council Chambers or access the meeting by remote online access via the Council's WebEx platform. Should you wish to attend, please confirm **whether you wish to attend in person or via WebEx**. Should you wish to attend via WebEx, a meeting invite will be sent to you via this email address. To access the meeting your electronic device will require to have a camera and microphone.

Please note that all public proceedings at the Special Meeting of the Committee will be recorded.

I take this opportunity to attach a copy of Inverclyde Council's Privacy Notice which explains how the Council will use any personal data you have provided as part of the Traffic Regulation Order process. I also attached a copy of the Council's procedure for Hearings.

I shall also in due course arrange to provide you with a copy of the Council's Statement of Case in relation to the proposals to which the Council intends to refer at the Special Meeting.

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 **Thursday 14th August 2025**. 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 **Thursday 14th August 2025**.

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.

Kind regards,

Emma

Emma Peacock

Solicitor

Legal, Democratic, Digital and Customer Services

Inverclyde Council

Municipal Buildings

Clyde Square

Greenock

PA15 1LY

From: Emma Peacock

Sent: 19 May 2025 15:14

To: roslyn cheevers [REDACTED]

Subject: RE: Objection - TRO DPPP No.5 2024

Dear Ms Tonner,

I refer to our correspondence in relation to the above proposed Traffic Regulation Order. I have noted your objection to the above proposed Traffic Regulation Order is maintained.

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 a Hearing is to be arranged, you will be notified of your right to be heard by or represented before an 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 Committee.

I will be in further contact in due course.

Kind regards,

Emma

Emma Peacock

Solicitor
Legal, Democratic, Digital and Customer Services
Inverclyde Council
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Tel: 01475 712115

From: Emma Peacock

Sent: 24 March 2025 12:14

To: roslyn cheevers - [REDACTED]

Subject: Objection - TRO DPPP No.5 2024

Importance: High

Dear Ms Tonner,

Please find attached response in relation to your objection to the above Traffic Regulation Order. This has also been issued to you via post.

I look forward to hearing from you.

Kind regards,

Emma

Emma Peacock

Solicitor
Legal, Democratic, Digital and Customer Services
Inverclyde Council
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Tel: 01475 712115

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I will be in further contact in due course.

Kind regards,

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Tel: 01475 712115

From: Emma Peacock
Sent: 24 March 2025 12:14
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Subject: Objection - TRO DPPP No.5 2024
Importance: High

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I look forward to hearing from you.

Kind regards,

Emma

Emma Peacock

Solicitor

Legal, Democratic, Digital and Customer Services

Inverclyde Council

Municipal Buildings

Clyde Square

Greenock

PA15 1LY

Tel: 01475 712115

Enquiries to: Emma Peacock
Telephone: 01475 712115
E-mail: Emma.Peacock@inverclyde.gov.uk
Our Ref: EP/ ECO1709
Your Ref:
Date: 24 March 2025

Louise Long
Chief Executive
Chief Executive Services

Legal, Democratic, Digital & Customer Services
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Head of Service: Lynsey Brown

BY FIRST CLASS POST AND EMAIL

FAO Roslyn Tonner
16 Lomond Avenue
Port Glasgow
PA14 5TN

By email to
[REDACTED]

Dear Ms Tonner,

**Proposed Traffic Regulation Order
Disabled Persons' Parking Places (On-Street) Order No. 5 2024**

I refer to your email of objection dated 14 March 2025 in connection with the above Proposed Traffic Regulation Order and a proposed Disabled Persons' Parking Place ("DPPP") at 16 Lomond Avenue, Port Glasgow.

The Head of Physical Assets - Roads has noted and considered your objection and would respond to your grounds for objection as follows:-

An application was received from a resident of Lomond Avenue, Port Glasgow for a Disabled Persons' Parking Place (DPPP) and found that they met the requirements of the Disabled Persons' Parking Places (Scotland) Act 2009 as a qualifying person. The Act requires the Local Authority to assess the road to determine if a parking space can be provided and if so identified "it must as soon as reasonably practicable designate the parking place as an advisory disabled street parking place". Having assessed Lomond Avenue, the Council identified an appropriate location and marked the bay outside 16 Lomond Avenue, Port Glasgow. At this stage, the DPPP at this address is proposed only and shall not be legally enforceable until the Traffic Regulation Order (TRO) is made.

The Local Authority aim to introduce DPPPs as close to the applicant's address as possible. On this occasion, as a result of vehicles currently parking on the north side of the road along with the presence of existing driveways and the requirement for DPPPs to be a minimum of 6.6m long, it was not possible to introduce the DPPP directly adjacent to the applicant's address.

The Local Authority have not received any application for a dropped kerb crossing to form a driveway at [REDACTED] address therefore the road adjacent was identified as a suitable location for the DPPP. Should an application for dropped kerb crossing to form a driveway at 16 Lomond Avenue is received in the future we will give this due consideration and if necessary move the proposed DPPP, however, at this time we must consider the DPPP application on its merits.



The Local Authority cannot take steps to prevent vehicles from parking on a public road outside of a resident's property where there are no parking restrictions on such road. Therefore, the Local Authority is unable to guarantee that parking will be available for residents on the public road directly outside of their property.

I trust that the above is of assistance to you and addresses your queries, however, please do not hesitate to contact Elaine Provan, Senior Engineer – Roads & Transportation (Tel: 01475 714800 Email: roads@inverclyde.gov.uk) should you require any further information.

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 to the contrary, within 14 days of the date of this letter, 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.

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.

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

Yours sincerely,



Emma Peacock
Solicitor

Emma Peacock

From: Emma Peacock
Sent: 24 March 2025 12:14
To: roslyn cheevers
Subject: Objection - TRO DPPP No.5 2024
Attachments: REVISED 2023 Traffic Regulation Order Privacy Statement.docx; 24 March - DPPP No.5 response.pdf

Importance: High

Dear Ms Tonner,

Please find attached response in relation to your objection to the above Traffic Regulation Order. This has also been issued to you via post.

I look forward to hearing from you.

Kind regards,

Emma

Emma Peacock

Solicitor

Legal, Democratic, Digital and Customer Services

Inverclyde Council

Municipal Buildings

Clyde Square

Greenock

PA15 1LY

Tel: 01475 712115

Emma Peacock

From: Emma Peacock
Sent: 14 March 2025 10:35
To: roslyn cheevers
Subject: RE: Opposition to Designated Disabled Parking Bay

Dear Roslyn,

Thank you for your email. I acknowledge receipt of your objection and confirm this has been forwarded to my client service – Roads & Transportation for their consideration. A full response will be issued to you shortly.

Kind regards,

Emma

Emma Peacock
Solicitor
Legal, Democratic, Digital and Customer Services
Inverclyde Council
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Tel: 01475 712115

From: roslyn cheevers [REDACTED]
Sent: 14 March 2025 10:11
To: Emma Peacock <Emma.Peacock@inverclyde.gov.uk>
Subject: RE: Opposition to Designated Disabled Parking Bay

Having received the letter by post and discussed with [REDACTED] who resides at 16 lomond Avenue we wholeheartedly object to the application .

[REDACTED] has severe arthritis in her knee and us awaiting a knee replacement, [REDACTED]

[REDACTED] My husband and I are having to go and take [REDACTED] for her shopping as she cannot walk for much distance anymore.

But now we cannot pick her up outside her own house as there is a disabled parking bay so she now has to walk about 3 doors up or down from her own house on order to get in the car. This is absolutely despicable. We would love to put in a driveway in her front garden and we are trying to look at this from a financial perspective but this could take a while. It is so hurtful and disappointing that someone else on the opposite side of the road and approx 5 doors away has a disabled parking space outside [REDACTED] own front door.

We oppose and object to this application and we are so upset and angry about what our own mother has to do to get in a car that cannot park outside her own house.

Yours in disgust

Mrs Roslyn Tonner

Yahoo Mail – Email Simplified

On Wed, 12 Mar 2025 at 10:41, Emma Peacock
<Emma.Peacock@inverclyde.gov.uk> wrote:

Classification - Official - Sensitive

Hi Roslyn ,

The proposed disabled persons' parking place ("DPPP") being advertised in terms of this new proposed TRO (*The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order No.5 2024*) is located at 16 Lomond Ave, Port Glasgow. See plan attached. This DPPP was previously contained within the proposed TRO (*Inverclyde Council Disabled Persons' Parking Places (On-Street) Order No.3 2024*) but was subsequently removed from that Order.

I hope this clarification assists.

Kind regards,

Emma

Emma Peacock

Solicitor

Legal, Democratic, Digital and Customer Services

Inverclyde Council

Municipal Buildings

Clyde Square

Greenock

PA15 1LY

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES
(ON-STREET) ORDER NO.5 2024
TRAFFIC REGULATION ORDER

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES (ON-STREET)
ORDER NO.5 2024

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 Places (On-Street) Order No.5 2024" and shall come into operation on #####.

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 an 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 Places (On Street) Order No.5 2024" forms the Schedule to this Order.
4. Each area of road which is described in the Schedule to this Order and the plans relative to this Order is hereby designated as a parking place.
5. The parking places shall only be used for the leaving of disabled persons' vehicles displaying a valid disabled person's badge.

6. The limits of each 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 any parking place shall stand such that no parking place is 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 a 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 a parking place.
9. Any person duly authorised by the Council may suspend the use of a 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 a 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 Twenty Five.

INVERCLYDE COUNCIL

DISABLED PERSONS' PARKING PLACES (ON-STREET) ORDER No.5 2024

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 Person's Parking Place to be created "ex-adverso"</u>
2325	16 Lomond Avenue, Port Glasgow

DISABLED PERSONS' PARKING PLACE



Inverclyde
council
Roads & Transportation

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Address: 16 Lomond Avenue, PORT GLASGOW

Place No.: 2325

26/08/2024



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**THE INVERCLYDE COUNCIL DISABLED PERSONS'
PARKING PLACES (ON-STREET) ORDER
No.5 2024**

TRAFFIC REGULATION ORDER

STATEMENT OF CASE

Background

Statement of Reasons

It is considered necessary, so as 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 (DPPP), four TROs are generally processed in each calendar year.

This Statement of Case refers to the proposed Disabled Persons' Parking Places TRO No.5 of 2024.

Benefits

The applicant will have easy access to their vehicle when leaving their house.
The applicant will not need to walk a long distance to their vehicle.

Public Consultation

The proposed TRO was issued for public consultation on 14 February 2025 with responses invited by 7 March 2025 then this was extended 21 March 2025 to address an administration issue noted during the consultation period. One maintained objection was received in relation to this TRO in connection with the DPPP Ref No: 2325, ex-adverso 16 Lomond Avenue, Port Glasgow.

Location Description

The DPPP is located to the northwestern end of Lomond Avenue in Port Glasgow in a residential area. The applicant for this DPPP resides at Lomond Avenue and the proposed DPPP will be located on the public road ex-adverso 16 Lomond Avenue which is the closest location to the applicant's address which is safe to park due to it being a narrow road with existing driveways.

Maintained Objection and the Council's Response

The key themes of the maintained objection are listed below and details of Inverclyde Council's response are provided.

The objector raised two grounds for objection to this Order.

The objector is concerned that the DPPP is along the frontage of their mother in law's property and not the applicants which means their elderly mother in law will have to walk up the street

to get in a vehicle. They were also considering installing a driveway at the address and are concerned that they will not be able to now.

The Council's response to this objection is as follows:

Response: *The Local Authority aim to introduce DPPP's as close to the applicant's address as possible. On this occasion, as a result of vehicles currently parking on the north side of the road along with the presence of existing driveways and the requirement for DPPP's to be a minimum of 6.6m long, it was not possible to introduce the DPPP directly adjacent to the applicant's address.*

The Local Authority have not received any application for a dropped kerb crossing to form a driveway at the objector's address therefore the road adjacent was identified as a suitable location for the DPPP. Should an application for a dropped kerb crossing to form a driveway at 16 Lomond Avenue be received in the future we will give this due consideration and if necessary move the proposed DPPP, however, at this time we must consider the DPPP application on its merits.

The Local Authority cannot take steps to prevent vehicles from parking on a public road outside of a resident's property where there are no parking restrictions on such road. Therefore, the Local Authority is unable to guarantee that parking will be available for residents on the public road directly outside of their property.

Council Comments

For the purposes of this Special Meeting, Roads officers would make the following additional comments:

- The applicant originally withdrew their application as they wanted the DPPP in a location between 10 and 12 Lomond Avenue. This space is between 2 driveways and is only 4.6m long and a DPPP must be a minimum of 6.6m long, therefore we were unable to accept this location.
- There was previously 1 DPPP located ex-adverso 18 Lomond Avenue, which was removed in 2009 after the applicant moved away. This property now has a driveway.
- There has been 1 other DPPP installed at 20 Lomond Avenue in 2024. This is currently the only DPPP on Lomond Avenue.



Photo of Proposed Location of DPPP

Conclusion

The Council submits that the objection should be dismissed and the Order made as proposed.