



Roads Policy Note

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Subject: Parking Spaces for Disabled People

Approved By: Infrastructure Services Committee

Date: 1st December 2011

Revisions: 8th May 2012
Para 2.4 (g) amended to clarify annual review process
Made by – Roads Policy and Asset Manager

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1 On-Street Parking Spaces for Disabled People

1.1 Background

The national Blue Badge Scheme provides a national arrangement of parking concessions for people with severe walking disabilities who travel either as drivers or passengers. It allows badge holders to park free of charge and without time limit at on street parking meters and pay-and-display bays. Badge Holders may also park on single or double yellow lines except where there is a ban on loading or unloading. However, there are a number of reasons why it might be preferable to make a specific provision of disabled bays in areas subject to parking controls. The most convenient pay-and-display spaces may already be occupied by other drivers and yellow lines are normally in locations where it is best to have no parked vehicles. It is, therefore, proposed that when area traffic management orders are prepared, a proportion of spaces for disabled badge holders should be included in accordance with the following guidelines.

1.2 Guidelines

- Within areas of parking control, the normal guideline should be to designate 5% of the available parking spaces for disabled users.
- The parking bays reserved for disabled badge holders should be marked out in accordance with diagram 1028.3, 1032 or 1033 of the *Traffic Signs Regulations and General Directions*, with signs to diagram 661A. Aberdeenshire Council has authorisation from the Scottish Government to vary the dimensions of these markings where appropriate to fit bays into residential streets and these variations are incorporated into the diagram below.
- It will often be appropriate to have a parking bay for disabled badge holders between a section restricted with double yellow lines and a general parking area. End bays may be particularly useful if a wheelchair is to be removed from the rear of a vehicle. If the designation of an end bay for disabled badge holders results in it being used less often than other spaces, this may benefit junction visibility.
- It may be appropriate to include parking bays for use by disabled badge holders convenient for locations often used by older people. These may include post offices, chemists and libraries.
- Where practicable, spaces for disabled badge holders should be provided on both sides of any main roads.
- All on street parking spaces for disabled people provided in areas of parking control in accordance with these guidelines must be designated in the relevant area traffic management order as being reserved for the use of valid blue badge holders. Under the terms of the *Disabled Persons' Parking Places (Scotland) Act 2009*, the Council does not have the power to create advisory disabled street parking places except whilst an order is being made.
- Following 1 April 2011, a review should be undertaken to identify any on street parking places for disabled badge holders within areas of parking control which are not yet covered by the Consolidated Area Traffic

Management Order. Unless the relevant order is due to be reviewed within a year, any such spaces must be included in the next review of the order for disabled residents' spaces in the area (see section 2) as an interim measure.

2 Parking Spaces for Disabled Residents

2.1 Background

Under the *Disabled Persons' Parking Places (Scotland) Act 2009*, residents who hold a blue badge and who have a vehicle suitable for their transport registered at their address have a right to request the Council to make a disabled street parking order in respect of a space from which there is convenient access to their address. In evaluating such applications, the Council must consider both the interests of traffic and those of the owners and occupiers of adjoining properties. For reasons of safety and capacity reserved spaces will not be provided on major traffic routes and in the interest of owners and occupiers of adjacent properties spaces will only be provided for disabled residents to whom suitable off-street facilities are not available.

The following criteria should be used in assessing applications.

2.2 Criteria

The basic criteria for a reserved on-street parking space are:

- a) The disabled person holds a valid current blue badge
- b) The disabled person is permanently resident at the address for which the space is applied
- c) The disabled person requires the use of a suitable vehicle which is normally kept at their home address.
- d) The home address of the disabled person is the registered address of the registered keeper of the vehicle
- e) There is no suitable off-street facility near the disabled person's house
- f) A suitable parking place can be identified with convenient access to the disabled person's house which does not jeopardise safety or traffic flow and does not unreasonably affect the interests of the owners and occupiers of adjacent premises

2.3 Discussion

Under the terms of the *Disabled Persons' Parking Places (Scotland) Act 2009*, the Council does not have the power to create advisory disabled street parking places except whilst an order is being made. If a disabled street parking place is still required, an order must be progressed to reserve it solely for the use of blue badge holders. Otherwise, all signs and markings must be removed. Disabled residents applying for spaces convenient to their houses must be made aware that the spaces will not be reserved exclusively for their use but will be available to any holder of a valid blue badge. They should also be aware that any member of the household using the space when the disabled person was not present could be committing an offence.

The scheme also includes "Keep Clear" markings at driveways and dropped kerb and "Keep Clear" markings for wheelchair access. Where appropriate, these should be provided free of charge for qualifying applicants. No traffic order is required for "Keep Clear" markings.

Where there is space available within the curtilage of the applicant's house, they should be encouraged to provide an off street space. This is much more satisfactory than a reserved on-street space.

The scheme also allows organisations holding a blue badge to apply for a space convenient to the registered address of the registered keeper of a vehicle used to carry disabled persons. This might apply to a residential or day centre. The same criteria should be used as would be applied to applications by an individual blue badge holder.

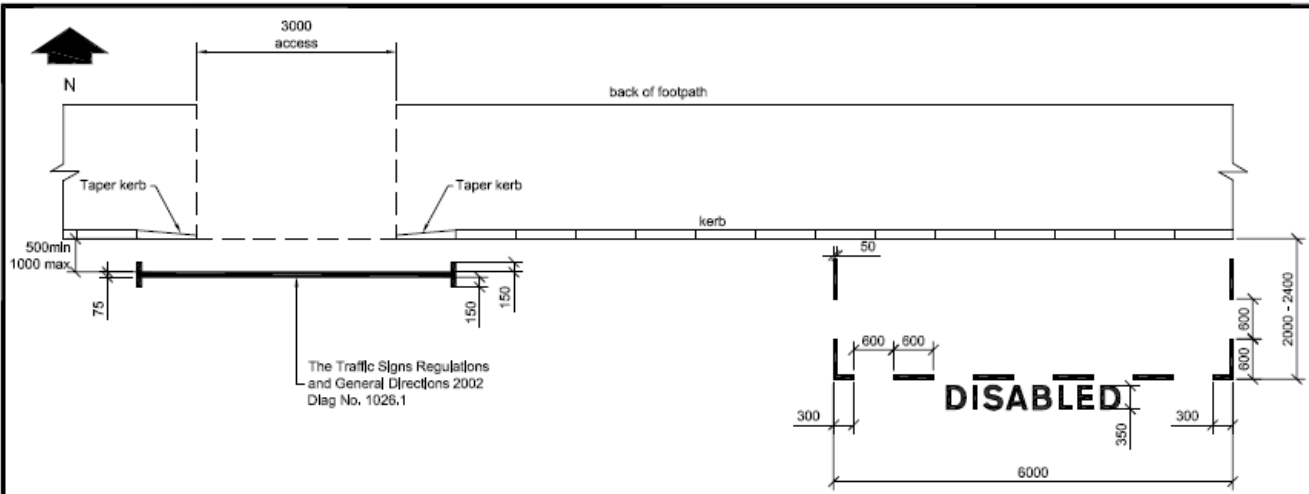
The scheme to provide spaces convenient to the address of qualifying blue badge holders applies specifically where the vehicle providing transport is kept at the person's address. However, at locations where there is a frequent need to pick up or drop off one or more disabled people and there is a genuine difficulty in doing so, it may be appropriate to consider an on-street parking space under section 1.2 above. This facility could also be provided with a waiting restriction marked by single or double yellow lines so long as there is not also a loading restriction.

2.4 Notes for Guidance

- a. In order to maintain a consistent policy throughout Aberdeenshire, it is essential that all Area Roads Offices adhere strictly to the criteria. In cases of doubt, advice should be sought from the Roads Policy and Asset Manager.
- b. Spaces should normally be marked on the same side of the road as the disabled person's home and normally only outside their own house frontage. However, there may be situations where this is not possible, e.g. the normal parking arrangement in the street is for vehicles to be parked on the other side from the applicant's house. In general, it is preferable to avoid marking a space in front of a neighbour's house. It may be that the space could be marked opposite an area nearby not fronted by residential property. Marking a space outside someone else's

house should only be done as a last resort and that person and the Local Member should be consulted.

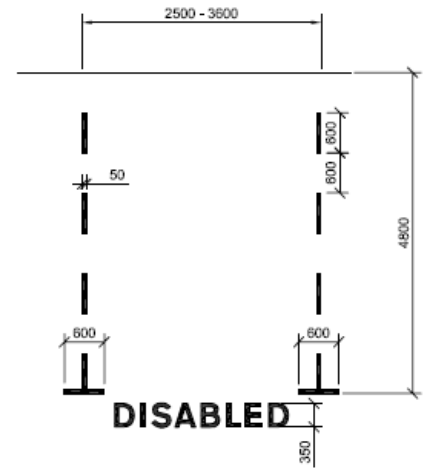
- c. The “Keep Clear” markings to Diagram No 1026.1 should only be used on the applicant’s side of the road and not to keep an area opposite the access clear. If there is a problem with getting in and out of a drive caused by vehicles parking opposite then other solutions must be considered such as widening the access. In exceptional circumstances where it is physically impossible to use the access if a vehicle is parked opposite then “Keep Clear” markings to Diagram No 1026 may be used.
- d. The “standard” length of a reserved space is 6.0 metres. Where a longer space is required, for example to cater for a vehicle with rear wheelchair access, this should be increased to 6.6 metres. If there is a requirement to vary this dimension further authorisation must be sought from Scottish Government.
- e. A reserved space should not be marked on double yellow lines but the applicant may be advised that blue badge holders are allowed to park on double yellow lines providing they are not causing an obstruction especially to emergency vehicles. Reserved spaces may be marked on roads subject to other restrictions subject to safety considerations.
- f. Every space provided must be subject to an order under the *Road Traffic Regulation Act 1984* reserving it solely for use by blue badge holders. It must be signed as a bay for disabled badge holders with road markings to diagram 1028.3, 1032 or 1033 and a sign to diagram 661A. Aberdeenshire Council has authorisation from the Scottish Government to vary the dimensions of these markings where appropriate to fit bays into residential streets and these variations are incorporated into the diagram below. During the period whilst an order is being made, the sign to diagram 661A should be omitted as the bay will just be advisory during this period. If the proposed space is not outside the applicant’s frontage then it would be prudent to hold off from installing temporary markings until it has been established that there are no objections. Once the order is in place, the sign should be added so that the order can be enforced.
- g. One consolidated order will be made covering all disabled residents spaces in each Council Area. Under section 10 of the Act, the Council has a duty to review the continuing provision of each parking place which is made under The Order. This will be updated yearly, prior to the promotion of each consolidated order, to take account of new applications and those spaces that are no longer required. All applicants will be contacted to establish whether the space is still required and whether they are still eligible for the space. It is recommended that no space should remain advisory for more than a year.



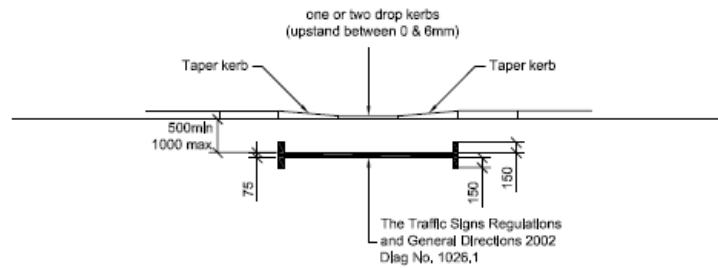
MARKING TYPE B1



MARKING TYPE B2a



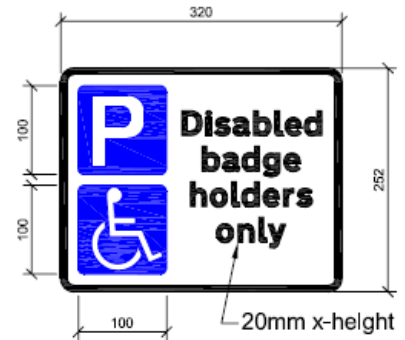
MARKING TYPE B2b



MARKING TYPE B3

NOTES

- All signs and carriageway markings to accord with the 'Traffic Signs Regulations and General Directions 2002'
- All dimensions are in millimetres
- All markings to be white
- White lines delineating parking spaces are 50mm wide
- White lines in Keep Clear markings to diag 1026.1 are 75mm wide
- Sign - 20mm x-height



DISABLED PARKING SIGN TO DIAG 661A
FOR USE WITH MARKINGS B2a & B2b

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3 Spaces for Disabled People in Aberdeenshire Council Off-Street Car Parks

3.1 General Provision

Provision should be made for car parking spaces for disabled people ("Blue Badge" holders) wherever conventional parking spaces are provided. In off street car parks operated by Aberdeenshire Council spaces should be provided for Blue Badge Holders as close as possible to the facilities served by the car park with level or ramped (preferred gradient 5% maximum) access providing a safe route to the facilities. The bays should be provided on firm and even ground where road gradient and cross-fall are reasonably flat (e.g. 1 in 50) with the number of disabled person Parking Bays complying with the Council's current parking standards for new development car parks open to the general public (currently 5% minimum or 2 spaces whichever is the greater).

3.2 Bay Design

Off-street car parking bay design should comply with details shown below. Car parking bays should be 2500mm x 5000mm with a hatched area of 1200mm between the bays as detailed below. Where there is limited space the 1200mm width of the hatched area may be reduced to 900mm if it is deemed necessary. The off street bays should be marked with yellow thermoplastic screed. The line should be a 600mm line with a 600mm gap and 50mm wide. The disabled logo should be provided within the bay also in yellow thermoplastic screed. In addition the bays should be marked with signs to Diagram No 661A of the *Traffic Signs Regulations and General Directions 2002*. Care should be taken to avoid mounting these signs in locations likely to cause an obstruction or hazard. Wall mounting is preferable where practicable, otherwise the signs should be post mounted at the back of any footway or verge. Where a block of designated spaces is provided, signs are only required at each end of the block with the permitted variation of an arrow pointing in the direction of the designation.

Dropped kerbs are required to allow wheelchair access to the bays. These dropped kerbs should be provided at the closest practicable location to the bays to ensure ease of access from the parking bay to the adjacent footway. The cross-fall of the adjacent footway should not exceed 2.5% over the full width of the footway.

3.3 Existing Bays

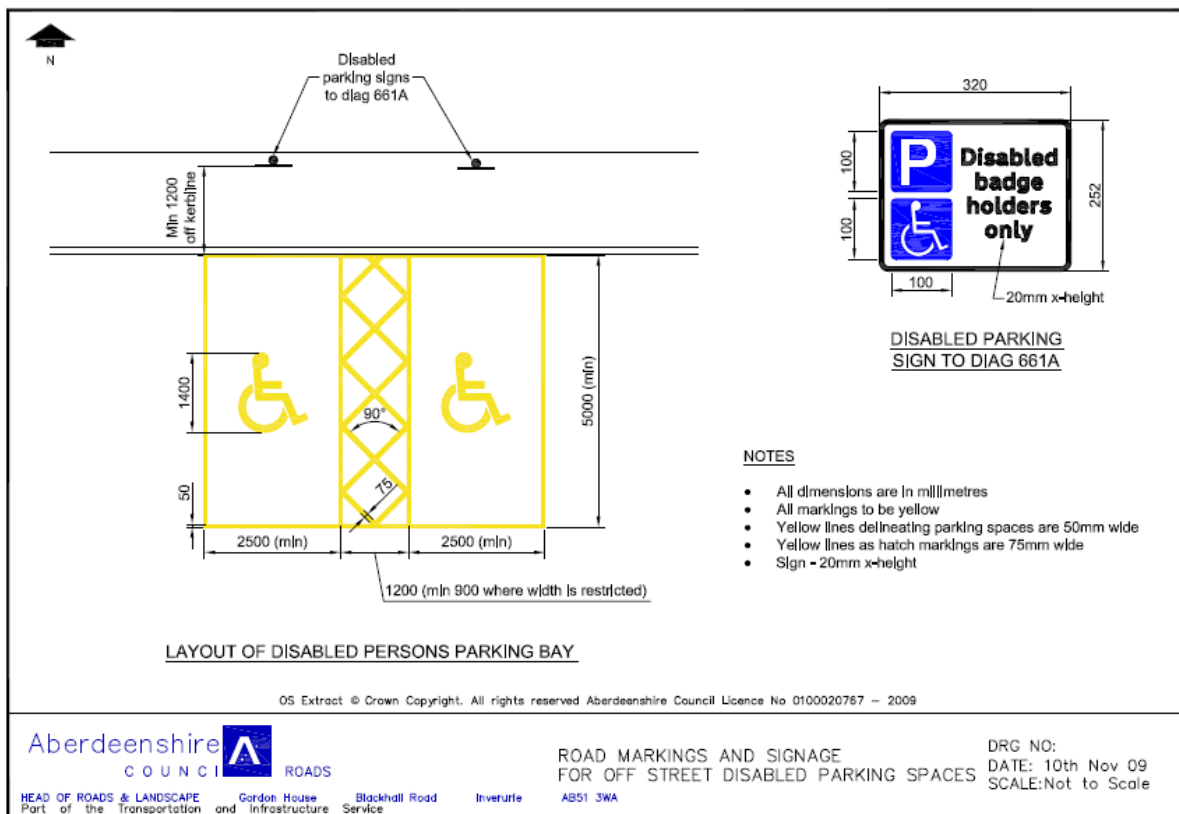
Existing parking bays for disabled people in Council car parks that do not conform to the design guidelines set out in paragraph 3.2 should be converted to meet the standards wherever practicable.

3.4 Enforcement

The *Disabled Persons' Parking Places (Scotland) Act 2009* requires that bays for disabled people in off-street car parks operated by the council should be covered by an order providing that they may only be used by a disabled person's vehicle.

Article 23 of the Aberdeenshire Council (Off-Street Parking) Order meets this requirement by specifying “The Council may reserve in any of the car parks affected by this order a suitable number of spaces for vehicles displaying in each case a disabled person’s badge issued by a local authority in exercise of its powers under Section 21(1) of The Chronically Sick and Disabled Persons’ Act, 1970, and no person shall cause or permit any vehicle to wait in such a space, at any time, without displaying such a badge”. Article 5 indicates that “A charge amounting to forty pounds, with a reduction to thirty pounds for receipt of payment within twenty-one days (which amount is hereinafter referred to as the “excess charge”) shall be payable whether or not any initial charge is payable when:- (f) a vehicle is left in contravention of Article 23 hereto”. The effect of this is that an excess charge can be levied against a vehicle for misusing a disabled persons’ off street parking place so long as the following conditions are met:

- The car park is covered by the Aberdeenshire Council (Off-Street Parking) Order;
- The space is clearly marked as being reserved for disabled badge holders only;
- There is a sign on display in the car park clearly summarising the terms of use including those relating to disabled persons’ spaces.



4 Spaces for Disabled People in Private Off-Street Car Parks

4.1 Disabled Persons' Parking Places (Scotland) Act 2009

The *Disabled Persons' Parking Places (Scotland) Act 2009* obliges local authorities to identify advisory disabled parking places in private parking places to which the public have access, for example supermarket car parks. Local authorities are then obliged to decide whether it would fall within their powers to make arrangements to take over the parking places and bring them within the scope of a traffic order making the disabled spaces mandatory. If it would fall within their powers, local authorities are obliged to seek to make such arrangements with the owners. If such arrangements are not made, local authorities are obliged to repeat this every two years. The same obligations apply in relation to parking places provided at new developments.

4.2 Power of Local Authorities to Provide Parking Places

The power of local authorities to provide off-street parking places arises from sections 32 to 42 of the *Road Traffic Regulation Act 1984*. Local authorities have the power to provide off-street parking places where necessary for the purpose of relieving or preventing congestion of traffic. These can either be provided directly or by entering into an arrangement with the landowner. Where such parking places are provided, the local authority has the power by order to make provision as to the classes of vehicles entitled to use it, the conditions of use and the charges to be made. In Aberdeenshire, this is done by including the car park in the *Aberdeenshire Council (Off-Street Parking) Order*. Article 23 of this order deals with the reservation of spaces for disabled drivers and prohibits the use of such spaces by any vehicle not displaying a valid blue badge.

The powers of local authorities in this respect are concerned with the regulation of traffic and apply when the provision of spaces will relieve or prevent the congestion of traffic. Examples might be if the spaces made available would displace on-street parking or would allow vehicles to avoid unnecessary short trips between premises by parking at a single central location. All the spaces covered by our off-street parking order fall into one or both of these categories. It is difficult to see how the Council taking over an existing private car park restricted to customers of a particular business would do anything to relieve or prevent traffic congestion unless it were opened up for public use in line with the Council's standard terms and conditions. This would allow additional short trips to adjacent premises to be reduced. It would also be much more likely that taking over a whole car park for public use would relieve or prevent congestion than just taking over the disabled parking places.

Any car park taken over by the Council would have to be subject to a legal agreement with the owners. Examples of the items to be covered are as follows:

- duration of agreement;
- conditions of termination;

- conditions on sale or development of the car park;
- access arrangements;
- responsibility for maintenance of surfacing and drainage;
- responsibility for providing and maintaining signs and markings;
- the right of the Council by order to set the terms and conditions of use;
- arrangements in the event of charging being introduced;
- arrangements for enforcement;
- financial arrangements.

No additional financial resources have been made available to Councils in relation to the implementation of the 2009 Act and so it would be essential to ensure that any arrangements entered into could be accommodated within existing budgets.

4.3 Review of Private Off-Street Car Parks

In 2010, the Council carried out an initial exercise to identify private car parks with public access and spaces marked for the use of disabled persons at the time of coming into force of the 2009 Act (1 October 2009). This list will be reviewed to identify any where it would fall within the powers of the Council under the *Road Traffic Regulation Act 1984* to enter into an agreement with the owner and bring them within the scope of a traffic order. The Council may only use these powers where necessary to prevent or relieve the congestion of traffic or to secure an adequate supply of parking places. The review will be repeated every two years.

Staff reviewing planning applications for roads and transport implications will routinely identify any incorporating private car parks with public access. These will be reviewed to identify any where it would fall within the powers of the Council under the *Road Traffic Regulation Act 1984* to enter into an agreement with the owner and bring them within the scope of a traffic order. The Council may only use these powers where necessary to prevent or relieve the congestion of traffic or to secure an adequate supply of parking places.

Where it is identified in a review that it may fall within the powers of the Council to enter an agreement and bring a private car park within the scope of a traffic order, a letter will be sent to the owner as described below.

4.4 Letter to Owners of Private Off-Street Car Parks

The standard form of words shown in Appendix 1 should be used as a template for letters to owners or developers of private off-street car parks to which the public have access where required by the provisions of the *Disabled Persons' Parking Places (Scotland) Act 2009*.

Appendix – Sample Letter to Owner of Private Car Park

The Owner
Mammoth Supplies Ltd
Jurassic Retail Park
Aberdeenshire

Dear Sir

Private Car Parks with Public Access

Under the terms of the *Disabled Persons' Parking Places (Scotland) Act 2009*, I am obliged in some circumstances to write to the owners of private car parks with public access and with advisory spaces marked as being for use only by a disabled persons' vehicle.

By agreement with the owners, councils may enter into arrangements to undertake the management and enforcement of such car parks. The power to do this arises from the *Road Traffic Regulation Act 1984* and can only be used where it would relieve or prevent the congestion of traffic or ensure an adequate supply of parking places.

In order to best fulfil the requirement to relieve or prevent the congestion of traffic, all car parks provided by the Council under these powers are available for public use and are not restricted to customers of particular businesses. This minimises unnecessary short car trips between premises. Any car park managed by the Council under these powers would be subject to the Aberdeenshire Council (Off-Street Parking) Order which can be viewed on our web site at www.aberdeenshire.gov.uk/roads/parking .

Any car park taken over by the Council would have to be subject to a legal agreement with the owners. Examples of the items to be covered are as follows:

- duration of agreement;
- conditions of termination;
- conditions on sale or development of the car park;
- access arrangements;
- responsibility for maintenance of surfacing and drainage;
- responsibility for providing and maintaining signs and markings;
- the right of the Council by order to set the terms and conditions of use;
- arrangements in the event of charging being introduced;
- arrangements for enforcement;
- financial arrangements.

Could you please return the attached reply slip to let me know whether or not you would be interested in negotiating a legal agreement with the Council to manage your car park as outlined above. Please note that you are under absolutely no obligation to enter such an agreement.

Yours faithfully

Roads Manager

REPLY SLIP

Business Name:

Address of Premises:

Location of Car Park:

Total No of Spaces:

No of Disabled Spaces:

Contact Name:

Contact Address:

Contact Telephone:

Contact e-mail:

Would you be interested in negotiating a legal agreement with the Council to manage your car park as a public car park under the terms of the Aberdeenshire Council (Off-Street Parking) Order?

Yes / No

Signed:

Date: