

## **Traffic Regulation Order for Mandatory Disabled Parking Bays, Teignbridge**

Report of the Head of Highways, Capital Development and Waste

***Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.***

**Recommendation:** It is recommended that the Traffic Regulation Order in respect of the disabled parking bay in West Buckeridge, Teignmouth be made and sealed as advertised.

### **1. Summary**

To consider objections received following the advertising of a mandatory disabled bay in the Teignbridge HATOC area.

### **2. Introduction**

Mandatory disabled parking bays are provided for the benefit of blue badge holders, normally close to their homes, to ease their difficulties in finding a convenient parking place. Mandatory bays are covered by legal Traffic Regulation Orders, whereas 'advisory' disabled parking bays are not covered by a formal order and therefore cannot be enforced.

A countywide list of applications for mandatory disabled parking bays is maintained centrally. This list is reviewed three or four times a year to determine which applications should be taken forward for advertising and, if approved, subsequent implementation.

The advertising of a batch of bays, including one in Teignmouth, took place between 12 August and 9 September 2013. This included the provision of 27 new mandatory disabled bays and the removal of four bays.

In respect of Teignbridge HATOC area the advertising has resulted in comments or objections from six sources in relation to the making the existing 'advisory' disabled bay in West Buckeridge, Teignmouth into a 'mandatory' bay. .

These objections and comments have been summarised in Appendix I with the officer responses.

### **3. Background**

Following an application in 2011 an advisory disabled bay was provided in early 2012 for an adjacent resident who has access to both Buckeridge Road at the front and West Buckeridge to the rear. The applicant requested that the bay be provided in West Buckeridge as that location is best suited to their circumstances.

This provision resulted in considerable correspondence with neighbours with a West Buckeridge address who considered that a bay in Buckeridge Road would best suit the needs of the applicant.

The matter of the procedure of the bay provision and the location of the bay was raised to a level 2 complaint which was fully dealt with by Lester Wilmington who was then Head of Highways and Traffic Management. The County Council view is that this bay provision has been dealt with in accordance with policy and the matter was subsequently closed.

One of the respondents has forwarded all the previous correspondence on this complaint, with his response to the advertising. This, along with all responses, are available to Members on request, at this committee meeting.

#### **4. Proposals and Representations**

##### West Buckeridge, Teignmouth drawing number ENV3463.32

West Buckeridge is a short cul-de-sac with ten address points. Some properties, including the applicant's, fronting Buckeridge Road and West Brimley also have access onto West Buckeridge.

There are currently no formal waiting restrictions in West Buckeridge and in accordance with normal practice an advisory bay has been provided. The blue badge holder has subsequently reported abuse of the bay by non-badge holders and the process to convert it to a mandatory bay was started.

The advertising of this has resulted in the six responses which are summarised and responded to in Appendix I.

It is not considered that the responses and comments received are relevant to the highways issues involved in the making of a Traffic Regulation Order to convert an approved advisory disabled bay into a mandatory bay which could be enforced by Civil Enforcement Officers. The correspondents are reiterating their arguments against the original provision which was dealt with as a level 2 complaint as detailed above.

It is therefore recommended that this Traffic Regulation Order be made and sealed as advertised.

#### **5. Financial Considerations**

The Disabled Parking Bay Budget funded from the On Street Parking Account, approved at the March 2013 Cabinet, will be used to fund identified works.

#### **6. Sustainability Considerations**

It is hoped that the introduction of disabled bays will help people with disabilities to park more conveniently close to their homes. Additionally it will help to reduce inappropriate and dangerous parking in our neighbourhoods, which will improve our road safety record and also reduce congestion and improve air quality.

#### **7. Carbon Impact Considerations**

The proposals should have a positive impact on carbon emissions as the provision of parking bays should reduce vehicle mileage and manoeuvring.

#### **8. Equality Considerations**

The proposals should ease the problems being experienced by blue badge holders where bays are being provided.

## 9. Legal Considerations

There are no specific legal issues arising from this report. The course of action proposed is in general accordance with the Council's powers as Highway Authority.

## 10. Risk Management Considerations

A Minor Scheme Safety Assessment has been carried out in each case.

## 11. Options/Alternatives

The possible alternatives are:

- Do nothing – this would mean that the current reported abuse of the advisory bay is likely to continue, to the detriment of the applicant.
- Remove the advisory bay – this would be contrary to the County Councils policy on provision of disabled parking bays for blue badge holders.
- Reposition the bay to Buckeridge Road/West Brimley – this would not be the optimum location for the applicant, as indicated in their request.

## 12. Reason for Recommendation/Conclusion

Providing mandatory disabled parking spaces close to a blue badge holder's home complies with policy.

David Whitton  
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## Electoral Division: Teignmouth Town

Local Government Act 1972: List of Background Papers

Contact for enquiries: Adrian Jelfs

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Background Paper	Date	File Reference
1. CSM 13569927	March 2013	West Buckeridge

Also previous CSMs with respect to the provision of the advisory bay

aj050214teh  
sc/cr/objections mandatory disabled bay  
03 030314

**Devon County Council (Various Streets, Devon)  
(Disabled Parking & Control of Waiting) Amendment (No.5) Order**

Responses in respect of advertised disabled bays in Teignmouth at:

- West Buckeridge

Objections or comments	DCC response
West Buckeridge – request for advisory disabled bay to be made mandatory.	
<b>First correspondent [letter 1] – West Buckeridge.</b>	
<ul style="list-style-type: none"> <li>• Strongly objects to much of street being turned into disabled parking. Street is currently overfull after 5 pm with some residents having to park in adjacent streets.</li> </ul>	<ul style="list-style-type: none"> <li>• Current policy allows for up to 25% of the road to be allocated to disabled parking. This is the only bay in this road so the road is well below this tolerance.</li> </ul>
<ul style="list-style-type: none"> <li>• Suggests that the wording of the description is a “bit vague” and from that makes the assumption that the disabled parking area is to be 38 metres long. Knows all his neighbours and not one is disabled. Spaces cannot be for people as most of them have steep back steps.</li> </ul>	<ul style="list-style-type: none"> <li>• Correspondent has misunderstood the schedule which describes the restricted length as: “the east side from a point 31.4 metres from the southern end of the cul-de-sac to a point 38 metres from that point”. This description means that the bay will be 6.6 metres long – the standard minimum length for a disabled bay – 0.7 metres longer than the existing advisory bay which is being converted to mandatory.</li> </ul>
<ul style="list-style-type: none"> <li>• States that the plan was missing from the county plans.</li> </ul>	<ul style="list-style-type: none"> <li>• Plans do not form part of the public notices displayed on site and in the press. However, they do highlight where plans can be viewed, namely the local library and at County Hall, Main Reception. As this objection was made on line, it is likely they are referring to plans not being available on line, unfortunately at present this is the case, but this is not a legal requirement.</li> </ul>
<ul style="list-style-type: none"> <li>• Suspects that DCC staff have not visited this site as the east side has garages along the affected length for people in Higher Brimley Road who park their cars outside their garages. Proposed zone would displace 8 – 10 cars.</li> </ul>	<ul style="list-style-type: none"> <li>• Site has been visited. No cars should be displaced.</li> </ul>
<ul style="list-style-type: none"> <li>• Currently have single disabled bay in West Buckeridge which was not properly advertised nor was there any consultation. This bay is used by a resident of Higher Brimley Road – doesn’t know why it was located here – nobody from the Council has ever given a reason. Correspondent would have objected to this bay as the applicant is not as disabled as claimed and it would be closer and more convenient to park at the front of the property in Higher Brimley Road. Applicant wanted a reserved space for their new car in a quiet cul-de-sac.</li> </ul>	<ul style="list-style-type: none"> <li>• The existing advisory disabled bay was provided in accordance with County Council policy which does not include consultation with neighbours. The applicant selected the bay location best suited to their circumstances.</li> <li>• The applicant has met the criteria for a blue badge and a disabled bay in accordance with policy.</li> <li>• View noted with respect to why this space was chosen.</li> </ul>

Objections or comments	DCC response
<ul style="list-style-type: none"> <li>Parking in this cul-de-sac is a contentious issue. People are very protective of their spot. Angry words have been exchanged and the police have been called.</li> </ul>	<ul style="list-style-type: none"> <li>Comment noted.</li> </ul>
<p><b>Second correspondent [letter 2] – West Buckeridge. [Three items received plus 44 page pack of previous correspondence resulting from the provision of the advisory bay in early 2012]</b></p>	
<ul style="list-style-type: none"> <li>The provision of this bay as advisory has already been the subject of much discussion and debate where it became abundantly clear that DCC failed in their duty to consider the circumstances and need surrounding its creation, but were not willing to admit their error.</li> </ul>	<ul style="list-style-type: none"> <li>It is considered that the previous responses made by the County Council [included in the pack of correspondence provided] fully considered the circumstances and need surrounding the provision of the advisory disabled bay in West Buckeridge.</li> </ul>
<ul style="list-style-type: none"> <li>Correspondent raises a number of issues which were previously raised following the provision of the advisory bay which is the subject of the current proposal.</li> </ul>	<ul style="list-style-type: none"> <li>This matter, as detailed in the correspondence pack, was fully dealt with up to a level 2 complaint by Lester Wilmington who was then Head of Highways and Traffic Management. The County Council responses are included in this pack.</li> </ul>
<ul style="list-style-type: none"> <li>The bay was marked without local consultation or evaluation of the most appropriate location to suit the needs of the applicant.</li> </ul>	<ul style="list-style-type: none"> <li>Approved advisory disabled bays are marked, after consultation with the applicant, at what they deem to be the best location to meet their circumstances. It is not normal practice to consult locally, especially in locations where no other parking restrictions are present.</li> </ul>
<ul style="list-style-type: none"> <li>No disabled people live in West Buckeridge and those who live in Buckeridge Road and Higher Brimley have multiple steep steps to access West Buckeridge so cannot be severely disabled.</li> </ul>	<ul style="list-style-type: none"> <li>Although the applicant's postal address is Buckeridge Road they do have pedestrian access to West Buckeridge and it is here they choose to park.</li> </ul>
<ul style="list-style-type: none"> <li>Complaint of misuse of the blue badge scheme has recently been logged against a Higher Brimley resident.</li> </ul>	<ul style="list-style-type: none"> <li>Comment noted.</li> </ul>
<ul style="list-style-type: none"> <li>A mandatory bay would be available for public use but this is to no benefit to residents of West Buckeridge.</li> </ul>	<ul style="list-style-type: none"> <li>The applicant has direct access to West Buckeridge from their property. As described a marked mandatory bay would be available for any blue badge holder to use.</li> </ul>
<ul style="list-style-type: none"> <li>While DCC is not obliged to consult residents it would seem an abuse of power to install any disabled bay without full investigation and co-operation of local residents.</li> </ul>	<ul style="list-style-type: none"> <li>It is not normal practice to consult locally. However, in this instance the immediate neighbours were notified of the advertising of this proposal. In addition this proposal has been advertised through the statutory consultation process.</li> </ul>
<ul style="list-style-type: none"> <li>DCC will avoid public consultation regarding this traffic regulation order and thus prevent fair and sensible consideration as DCC would want to avoid any circumstances that might demonstrate that they were in error in 2012.</li> </ul>	<ul style="list-style-type: none"> <li>A notice of this proposal was erected and maintained for the three week advertising period on an adjacent post and the correspondent was in receipt of a letter from DCC notifying him of the proposal.</li> </ul>
<ul style="list-style-type: none"> <li>Objections to the bay have not changed since his communication in early 2012 [44 page pack of correspondence provided] which are summarised in his letter to Sally</li> </ul>	<ul style="list-style-type: none"> <li>The letter to Sally Richardson was responded to by Gary Powell [pages 30 &amp; 31] and subsequent correspondence was replied to by Lester Wilmington. It is considered that these</li> </ul>

Objections or comments	DCC response
Richardson [on pages 25 – 28 of pack].	responses fully dealt with these initial objections.
<ul style="list-style-type: none"> <li>Evidence would suggest that either DCC are going to great lengths to avoid an admission of error or there is some other hidden influence. Until a full and fair evaluation is completed the traffic regulation order should be withdrawn and the existing bay removed.</li> </ul>	<ul style="list-style-type: none"> <li>It is considered that the previous responses made by the County Council [included in the pack of correspondence provided] fully considered the circumstances and need surrounding the provision of the advisory disabled bay in West Buckeridge.</li> </ul>
<ul style="list-style-type: none"> <li>DCC have spent a lot of time defending their decision rather than justifying the correct location of the disabled bay. You will note that in all the correspondence received to date DCC have singularly failed to provide any reason to site the bay at its current location.</li> </ul>	<p>The positioning of the bay was addressed in a letter from Chris Rook, Parking Manager on 3 January 2012, where it is stated that “In this instance after liaison with the applicant, and the local police, it was clear that the location of the bay on West Buckeridge was most appropriate”;and further “I am satisfied that this is the proper place for the bay, and believe that on balance this location best serves the applicant without unduly disadvantaging any other user.”</p> <ul style="list-style-type: none"> <li>In a further letter from the Parking Manager on 8 February 2012 it was stated that “the appropriateness of this location was established in liaison by myself, with the applicant and local police. The local police attended site. Having reviewed on site I am content with the location of the bay”.</li> </ul>
<ul style="list-style-type: none"> <li>DCC gave no sensible consideration to the fact that the applicant resides in an adjacent road where there is ample space for a disabled bay with little or no effect on adjacent residents from where disabled access is much easier.</li> </ul>	<ul style="list-style-type: none"> <li>Although the applicant’s postal address is Buckeridge Road they do have direct pedestrian access to West Buckeridge and it is here they choose to park as this location is the easiest for them to access the property.</li> </ul>
<ul style="list-style-type: none"> <li>DCC gave no consideration to the effect on parking availability for other residents.</li> </ul>	<ul style="list-style-type: none"> <li>The bay was located here at the applicant’s request and reflected their normal parking practice.</li> </ul>
<ul style="list-style-type: none"> <li>Bay was sited here simply because just one resident [the applicant] wanted it there.</li> </ul>	<ul style="list-style-type: none"> <li>It is normal practice to take an applicant’s requests regarding location of any bay into account. In this instance the location reflected the applicant’s normal parking practice.</li> </ul>
<ul style="list-style-type: none"> <li>Points out that on the last day for objections to be received a new advisory disabled bay was marked in Buckeridge Road close to where any bay for this applicant should be provided. The layout for both properties is the same – multiple steep steps at rear – fewer shallow steps at the front with a handrail.</li> </ul>	<ul style="list-style-type: none"> <li>As stated above an applicant will expresses the preference for a bay’s location and as long as this is acceptable on a traffic safety and technical level it is here that it is located.</li> </ul>
<ul style="list-style-type: none"> <li>Questions DCC’s repeated defence for the West Buckeridge location is “after liaison with the police”, or confirmed by the police as being the “most appropriate” or other claims that it was sited after taking advice from the police. Assuming police advice</li> </ul>	<ul style="list-style-type: none"> <li>There was not any police involvement with this new bay. The police input was only requested in West Buckeridge because the applicant had mentioned during the application process that there had been previous contact with the police over parking issues. The police were content</li> </ul>

<b>Objections or comments</b>	<b>DCC response</b>
has not changed in 18 months conclusion is that the location of the bay in West Buckeridge is based on police guidance is not true.	with the location of the bay in West Buckeridge.
<ul style="list-style-type: none"> <li>• What pressure was brought on DCC to locate the existing bay in West Buckeridge and why are these reasons not being revealed.</li> </ul>	<ul style="list-style-type: none"> <li>• No pressure other than the requirement to make a bay usable for its intended user, has been brought on DCC in the locating of this bay. See above with respect to the positioning of this bay.</li> </ul>
<ul style="list-style-type: none"> <li>• The question of a logical or practical reason for the bay's current location has been patently avoided.</li> </ul>	<ul style="list-style-type: none"> <li>• It is normal practice to take an applicant's requests regarding location of any bay into account. In this instance the location reflected the applicant's normal parking practice. This has been stated on a number of occasions.</li> </ul>
<ul style="list-style-type: none"> <li>• A revised traffic regulation order for the disabled bay to be marked at the applicant's street address would have little or no objection.</li> </ul>	<ul style="list-style-type: none"> <li>• This would not meet the applicant's request that the bay be located in West Buckeridge.</li> </ul>
<b>Third correspondent [letter 4] – Higher Brimley but home directly accessed from West Buckeridge.</b>	
<ul style="list-style-type: none"> <li>• Parking on West Buckeridge is an on-going problem. If unable to park in West Buckeridge will park in Higher Brimley and walk through garden path of flat below.</li> </ul>	<ul style="list-style-type: none"> <li>• The parking difficulties in West Buckeridge are the reason that the bay was provided. It is likely that there would be a "right of way" to allow tenants to do this.</li> </ul>
<ul style="list-style-type: none"> <li>• The residence in question has its main entrance on the side – the steps at the back are very steep compared to the front. Also address is Higher Brimley. These two factors make it a strange place to choose for the disabled bay.</li> </ul>	<ul style="list-style-type: none"> <li>• The applicant requested the bay be placed here in accordance with their parking practice.</li> </ul>
<b>Fourth correspondent [letter 11] – West Buckeridge.</b>	
<ul style="list-style-type: none"> <li>• The disabled bay in question has been a source of anger and upset to the residents of West Buckeridge since its placement.</li> </ul>	<ul style="list-style-type: none"> <li>• Although local feeling is noted, for the reasons stated previously it is viewed that this is the optimum position.</li> </ul>
<ul style="list-style-type: none"> <li>• Parking in West Buckeridge has been an issue in the past where police have been called because of disagreements between residents of West Buckeridge and adjoining streets.</li> </ul>	<ul style="list-style-type: none"> <li>• Parking can be an emotive issue however there is no right to reserve a parking space on the public highway.</li> </ul>
<ul style="list-style-type: none"> <li>• DCC officers and the police have attended and DCC officers have arbitrated the situation. This has greatly added to the level of anger and mistrust between residents of West Buckeridge and those in adjoining streets.</li> </ul>	<ul style="list-style-type: none"> <li>• View noted – see above.</li> </ul>
<ul style="list-style-type: none"> <li>• Applicant's address is actually Higher Brimley from which they have to climb a good number of very steep steps to access the bay. Not very good for a blue badge holder who needs a parking bay.</li> </ul>	<ul style="list-style-type: none"> <li>• See above with respect to location of bay.</li> </ul>
<ul style="list-style-type: none"> <li>• If the bay were moved to the front of the applicant's property there would be fewer, shallow, steps and a gentle slope to</li> </ul>	<ul style="list-style-type: none"> <li>• It is normal practice to take an applicant's requests regarding location of any bay into account. In this instance the location in West</li> </ul>

Objections or comments	DCC response
<p>contend with. This would also alleviate the anger felt towards the council by the actual residents who do not feel that the question of the disabled bay location has ever been fully or completely answered by DCC officers.</p>	<p>Buckeridge reflected the applicant's normal parking practice.</p>
<ul style="list-style-type: none"> <li>Does not seem right that parking that should be for my family and other residents of West Buckeridge is taken by people who do not actually live there.</li> </ul>	<ul style="list-style-type: none"> <li>Residents of a street cannot lay claim to available parking spaces on it as there is no right to reserve a parking space on the public highway.</li> </ul>
<ul style="list-style-type: none"> <li>Disabled bay applicant commented to this correspondent just after moving that her car had been damaged in the street outside her house and she wanted a specific space in West Buckeridge so she would always have a space to park.</li> </ul>	<ul style="list-style-type: none"> <li>The positioning of the bay reflects the normal parking practice of the applicant.</li> </ul>
<ul style="list-style-type: none"> <li>Strongly objects to this disabled bay being made mandatory and would like the council to move it to Higher Brimley where there is much easier access. This would be a small olive branch from DCC to the residents of West Buckeridge who have had their objections ignored at every stage of this unpleasant process, even though they have gone through the proper channels to state their objections.</li> </ul>	<ul style="list-style-type: none"> <li>The fact that the proper channels have been followed in making objections means that proper consideration has been undertaken.</li> </ul>
<p><b>Fifth correspondent [letter 12] – Higher Brimley but home directly accessed from West Buckeridge.</b></p>	
<ul style="list-style-type: none"> <li>Apart from the validity of the disabled bay being granted in the first instance does not see why it is placed on West Buckeridge as access is equal or more favourable from the front of the house.</li> </ul>	<ul style="list-style-type: none"> <li>See above with respect to positioning of the bay.</li> </ul>
<ul style="list-style-type: none"> <li>Problem has been exacerbated by planning permission being granted for garages to the backs of houses on Buckeridge Road which effectively saves them a parking space.</li> </ul>	<ul style="list-style-type: none"> <li>It is appreciated that in some instances developments may have a negative impact on parking availability for some individuals. However, this means that the need for a bay for a blue badge holder has been compounded.</li> </ul>
<ul style="list-style-type: none"> <li>Was only aware of one tiny notice of the proposal which could have been overlooked but for the eagle eyes of some residents.</li> </ul>	<ul style="list-style-type: none"> <li>In addition to a notice in the local press an A4 notice was erected and maintained for three weeks on a telegraph pole adjacent to the existing bay.</li> </ul>
<p><b>Sixth correspondent [letter 22] – West Buckeridge.</b></p>	
<ul style="list-style-type: none"> <li>Would draw attention to his letter of objection dated 5 January 2012 [included in pack referred to above at pages 9 &amp; 10]. Not his intention to prevent those in genuine need from this facility but such proviso can hardly be said to pertain in this instance for a variety of reasons some of which are outlined below.</li> </ul>	<ul style="list-style-type: none"> <li>It is considered that the previous responses made by the County Council [<i>included in the pack of correspondence provided</i>] fully considered these objections and the circumstances and need surrounding the provision of the advisory disabled bay in West Buckeridge.</li> </ul>
<ul style="list-style-type: none"> <li>Difficult to comprehend and somewhat perverse that placing such a bay behind the</li> </ul>	<ul style="list-style-type: none"> <li>It is normal practice to take an applicant's requests regarding location of any bay into</li> </ul>



Objections or comments	DCC response
<p>house in a cul-de-sac with restricted parking facilities should be preferred to greater space in front of the house, giving closer access to the front door and steps which are considerably less steep than those at the rear.</p>	<p>account. In this instance the location in West Buckeridge reflected the applicant's normal parking practice.</p>
<ul style="list-style-type: none"> <li>• It is impossible to disassociate the validity of the bay for those able to walk considerable distances unaided, unload and carry substantial shopping and trays of plants and bags with ease down such steep steps, exacerbated by its frequent use by various family members for setting about their own personal business.</li> </ul>	<ul style="list-style-type: none"> <li>• The applicant has met the criteria specified by our Occupational Therapy Section for receiving a blue badge and disabled bay. Devon County Council Traffic Management officers are not qualified to assess the mobility or disability of an applicant.</li> <li>• A motorist using a disabled parking bay [either advisory or mandatory] should display a valid blue badge appropriately. If the applicant's family members are using the blue badge for their personal business an offence may be being committed.</li> </ul>
<ul style="list-style-type: none"> <li>• I understand that such a parking privilege is granted on submission of a form completed to the satisfaction of the recipient. Surely this is extremely questionable especially when open to all manner of influence and, under the circumstances, clarification on its implementation would be welcome.</li> </ul>	<ul style="list-style-type: none"> <li>• It is common practice that applicants for many services complete forms of this nature with little evidence of abuse. If members of the public have concerns then they should be made known to the Customer Service Centre who will follow up those concerns.</li> </ul>