





## **GUIDANCE NOTES ON THE PROVISION OF RESIDENTIAL DISABLED PARKING BAYS IN THE LONDON BOROUGH OF LEWISHAM.**

These guidance notes set out the criteria that apply to the Provision of residential disabled bays on public roads in the Borough of Lewisham with effect from 1 January 2015. There are two types of disabled parking bay in Lewisham:

Advisory bays operate on an informal basis. They cannot be enforced by law but are represented by a 'disabled' bay marking on the carriageway. This indicates to neighbours and visitors to respect the needs of a Blue Badge holder living nearby. Although they rely on the goodwill of other drivers they have proved to be very effective. The majority of disabled bays in the borough are informal.

Mandatory disabled bays have formal status on the highway. They are underpinned in law by a Traffic Regulation Order which means that they are legally enforceable. Parking in a mandatory disabled parking bay without displaying a valid Blue Badge is therefore likely to incur a Penalty Charge Notice. These bays are easily identified because they have a post beside them displaying a traffic plate stating 'Disabled drivers only'. Mandatory bays are usually within controlled parking zones although a few do exist in other areas.

### **Advisory disabled parking bays**

The Council may consider providing an advisory disabled parking bay for any individual with severe walking difficulties whether they travel as a driver or as a passenger in a vehicle. All applications (except where the applicant resides in a CPZ) will be for an Advisory bay. Who can apply for an advisory bay?

1. The applicant must be registered disabled and hold a valid blue badge.
2. They must have a vehicle permanently registered and insured at their home address.
3. In the case of disabled passengers the driver must reside full time at the property, be the recognised carer and, the blue badge holder must travel in the car with them on the majority of occasions that the driver uses the car. Applicants who are not in the car on a frequent basis do not qualify.
4. There must be a shortage of parking places in the street for the greater part of most days.
5. The dwelling must not have access to any off street parking facility, such as a garage or driveway.
6. The bay would usually be directly outside the applicants home. If this is not possible an alternative location may be considered but this must be identified within 50 metres of the property. Other residents who may be effected by the installation of a bay will need to be consulted and any objections raised will need to be fully considered before a decision is made.
7. Housing estate roads and private roads do not form part of the public highway. Applicants requesting bays in these areas should contact their Housing Officer or Local Housing Office for advice.

From time to time there may be cause to consider converting an advisory bay into a mandatory one. Any requests of this nature must follow the process for mandatory disabled bays.

## **Bays in controlled parking zones.**

Where controlled parking is in operation, residents are usually able to park reasonably close to their properties and it is not necessary to install a disabled space alongside the residents bays. However, there may be some instances where despite parking controls, kerbside space is still in high demand. Only a mandatory bay can be considered within a CPZ and applications must follow the process for mandatory disabled bays detailed below.

## **Mandatory disabled parking bays**

Who can apply for a mandatory Bay?

1. The applicant must be registered disabled and hold a valid blue badge.
2. They must be the DRIVER of a vehicle which is permanently registered and insured in their name and at the home address.
3. If it is considered that despite parking controls the applicant is still unable to park close to their home on the majority of occasions.
4. The dwelling must not have access to any off street parking facility, such as a garage or driveway.
5. The bay would usually be directly outside the applicants home. If this is not possible an alternative location may be considered but this must be identified within 50 metres of the property.

The Council is legally required to carry out a statutory consultation before any mandatory bay is implemented. Part of this exercise will include writing to neighbours most effected by the bay, giving them an opportunity to comment or raise objections to the proposal. Once the consultation has been carried out a final decision will be made, the formal Traffic Regulation Order will be confirmed and the bay may be converted. This is a lengthy process and may take six months or more to complete.

## **General notes**

1. Not all applications will be successful. The Council must check that it is safe, necessary and feasible to introduce a bay, and will take a number of factors into consideration, including (but not limited to) maintaining the safe and smooth flow of traffic, maintaining access to and from the highway and managing parking demand. This may include consultation with near neighbours. If objections are received these must be considered by the Council before agreeing to the implementation of a bay.
2. A disabled parking bay may be provided but is not for the sole use of the applicant. Any blue badge holder may use the bay.
3. There will be no charge for the marking of the bay.
4. Every effort will be made to process the application as quickly as possible.
5. Any matter relating to a disabled parking bay that was installed before this date, must now be considered in accordance with this policy and not in line with the regulations that applied at that time.
6. Blue badge holders or their families must advise this office of any changes in personal circumstances which may have an effect on provision of the parking bay.
7. The Council reserves the right to remove any disabled parking bay if it considers that the bay is being used inappropriately by the badge holder or any member of their household.

If you have any further questions please contact Sue Garlick on **020 8314 2095**.