Disabled Persons' Parking Places (Scotland) Act 2009

2009 asp 3

Duties in relation to certain orders under the 1984 Act

7   Disabled off-street parking orders: new development

(1) This section applies to a local authority which—
- (a) in its capacity as a planning authority under the Town and Country Planning (Scotland) Act 1997 (c. 8), grants planning permission for a relevant development;
- (b) learns of a relevant development in its area for which planning permission is granted by a development order.

(2) In relation to each advisory disabled off-street parking place included in or, as the case may be, created by a relevant development, subsection (3) applies.

(3) The authority must decide whether, if the parking place were provided under arrangements under section 33(4) of the 1984 Act, it would have power to make a disabled off-street parking order in respect of the parking place.

(4) In making a decision under subsection (3) the authority must have regard to its duty under section 122 of the 1984 Act.

(5) If the authority's decision under subsection (3) is that it would have that power, it must seek to make arrangements under section 33(4) of the 1984 Act for the provision of the parking place with a view to being able to make such an order.

(6) If the authority does make such arrangements, it must start the statutory procedure for the making of such an order.

(7) The authority must—
- (a) perform its duty under subsection (3) within the relevant period, and
- (b) start to perform any duty under subsection (5) within the relevant period.

(8) In subsection (7), the "relevant period" is the period of three months beginning, as the case may be, with—
- (a) the date on which the authority grants the planning permission, or

    (b)   the date on which the authority learns of the relevant development.

(9) A local authority must monitor development in its area with a view to learning of relevant developments for which planning permission is granted by a development order.