

**FALKIRK COUNCIL**

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR  
DISABLED PERSONS) (No TRO/DB/13/027) ORDER 2013 –  
BORROWSTOUN PLACE, BO'NESS**  
**Meeting: PLANNING COMMITTEE**  
**Date: 22 AUGUST 2013**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Ward: Bo'ness and Blackness**

**Local Members: Councillor Adrian Mahoney  
Councillor Ann Ritchie  
Councillor Sandy Turner**

**Community Council: Bo'ness Community Council**

**Council Officer: Russell Steedman – Network Co-ordinator**

**1. INTRODUCTION**

- 1.1 This report seeks a decision on The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/13/027) Order 2013, the purpose of which is to reserve a parking space in Borrowstoun Place, Bo'ness for disabled persons. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as an unresolved objection has been received to the making of the Order. In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.
- 1.2 Members should be aware that it is available to them to call for a Hearing on the Order should they find themselves unable to determine whether the Order should be made or not at this stage. Such a Hearing would be conducted by an independent party appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider the report and recommendation of the Reporter before making a determination.

**2. BACKGROUND**

- 2.1 Falkirk Council currently provides on-street parking spaces in residential areas, enforceable by virtue of a Traffic Regulation Order, for people with a disability who are in receipt of a Blue Badge and who meet the criteria as laid down in the Disabled Persons' Parking Places (Scotland) Act 2009 (the 2009 Act).
- 2.2 It should be noted that, although a disabled parking place is marked as a result of an application by an individual, any person who displays a Blue Badge on their vehicle may park in the bay.

- 2.3 On receipt of an application for a disabled bay, the 2009 Act requires Falkirk Council to decide whether it is possible to identify a suitable street parking place from which there is convenient access to the applicant's address. An assessment of the site determined that the applicant's vehicle was generally parked on Borrowstoun Place in the hammerhead area outside their house. In terms of road safety and congestion, it is not possible to locate a space in the hammerhead as this may restrict vehicle turning manoeuvres.
- 2.4 A suitable location was identified in the area of carriageway to the north of the hammerhead, which is close to the applicant's home.
- 2.5 The location of the space in Borrowstoun Place, Bo'ness is indicated on the attached drawing numbered CR/001.

### **3. PROPOSAL**

- 3.1 Following the necessary checks against the criteria laid down in the 2009 Act, the statutory procedure for promoting a Traffic Regulation Order was initiated.
- 3.2 In accordance with Local Authorities Traffic Orders (Procedure) (Scotland) Regulations 1999, notices of intention were posted on-street and in the local press in the prescribed manner. The objection period ended on 16 May 2013.

### **4. CONSULTATION**

- 4.1 One letter of objection was received, by email, during the objection period from a resident of Borrowstoun Place, and has not been withdrawn following explanatory correspondence.
- 4.2 The objection was based on the following:
- the turning head at the end of Borrowstoun Place is congested with parked vehicles.
  - double yellow line waiting restrictions should be marked in the area of the turning head.
- 4.3 Development Services responded to the objector on 28 May 2013 in general terms explaining the criteria for the provision of disabled person's parking places. The 2009 Act permits the Council to provide an on-street disabled space where there is convenient access to the applicant's address. The objector was also advised that the proposed space was not in the hammerhead.
- 4.4 It was also explained that road safety and congestion issues in residential areas are generally not sufficient to satisfy the requirements of national legislation which permits local authorities to implement waiting restrictions on the public road.
- 4.5 The objector was asked to formally withdraw their objection, if minded to do so.
- 4.6 The objection has not been withdrawn and hence a Committee decision is required in accordance with paragraph 1.1.

## **5. CONCLUSION**

- 5.1 The purpose of Falkirk Council's policy and of this particular Order is to provide a parking space for a disabled person who meets the requirement of impaired mobility and has difficulties parking near their house. The 2009 Act requires local authorities to consider road safety and congestion as part of the application process. The proposed location is considered satisfactory bearing in mind these considerations.
- 5.2 The applicant for whom this Order was promoted meets the current assessment criteria for obtaining a disabled person's parking space in accordance with the 2009 Act.

## **6. RECOMMENDATION**

- 6.1 Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.**

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**Director of Development Services**  
**Date: 02 August 2013**

Contact Officer:        Russell Steedman, Network Co-ordinator        Tel: Ext 4830

### **LIST OF BACKGROUND PAPERS**

1. The Falkirk Council (On-Street Parking Space for Disabled Persons) (No TRO/DB/13/027) Order 2013.
2. Letter of objection and explanatory correspondence.