

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/14/063) ORDER 2015 – OCHIL VIEW, DENNY
Meeting: PLANNING COMMITTEE
Date: 1 FEBRUARY 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Denny and Banknock

**Local Members: Councillor Jim Blackwood
Councillor Paul Garner
Councillor Martin Oliver
Councillor Brian McCabe**

Community Council: Denny and District 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/14/063) Order 2015, the purpose of which is to reserve a parking space on Ochil View, Denny for disabled persons. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as unresolved objections have 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 person (referred to as "the reporter") 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 (TRO), 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 Place (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 identified that the applicant's vehicle was generally parked in Ochil View in Denny. In terms of road safety or traffic congestion, there are no issues which would prevent a disabled bay being provided in this area of carriageway. Ochil View is a cul-de-sac with no other disabled bays provided on this section of the street.
- 2.4 The applicant for the bay has agreed that the most convenient location for a proposed disabled bay for them is on Ochil View as indicated on the attached drawing numbered TRO/DB/14/063/1. The location in Ochil View is approximately 19m from the applicant's property in Braes View. The nearest location in Braes View is 38m from the applicant's property.

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. In accordance with the 2009 Act an advisory bay was allocated in response to the application prior to the Order being made.
- 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 in August 2015.

4. CONSULTATION

- 4.1 One letter of objection was received on 29 August 2015, and has not been withdrawn following explanatory correspondence. This objection was made by a resident on Ochil View.
- 4.2 The objection was based on 3 separate points, these are listed below:
- a) The objector advised that a previous Notice addressed the proposed disabled bay in Braes View as opposed to its intended location in Ochil View.
 - b) The objector advised that the availability of on-street parking spaces in Ochil View is limited. Furthermore, it was suggested that providing a disabled bay in Braes View would be preferable since the footpaths in Braes View are located on flatter ground.
 - c) The objector suggested that an area of unmade ground in Braes View could provide additional parking.
- 4.3 Development Services responded to the objector on 24 September 2015 firstly in general terms explaining that the provision of disabled person's parking places is determined under criteria laid down in the Disabled Persons' Parking Places (Scotland) Act 2009. Each of the separate points of objection listed above were then addressed in turn:
- a) It was acknowledged that the previous Notice was incorrect. The objector was advised that it was for this reason that the original Order was abandoned and the statutory process for making a TRO was recommenced in August 2015.

- b) The objector was advised that Falkirk Council provides parking spaces for people with a disability who, due to parking demand, have difficulty parking near their homes. The objector was advised that the 2009 Act states that;

“A qualifying person may request a local authority to make a disabled street parking order in respect of a street parking place-

- i) which is in the authority’s area, and
- ii) from which there is convenient access to the person’s address.”

The applicant for the bay has advised that the most convenient location for a proposed disabled bay is in Ochil View as indicated in the published TRO.

- c) The objector was advised that the provision of additional parking is not a consideration in terms of the 2009 Act and as such is not considered grounds on which to object to the making of a TRO for a disabled bay. It was acknowledged that further parking could be provided. The objector was advised residents’ parking did not fall within the remit of Development Services. The objector was further advised that Housing Services may be able to assist with the provision of additional off-street parking for their tenants.

4.4 The objector was asked to formally withdraw their objection.

4.5 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 is to provide a parking space for a disabled person who meets the requirements of the 2009 Act. 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

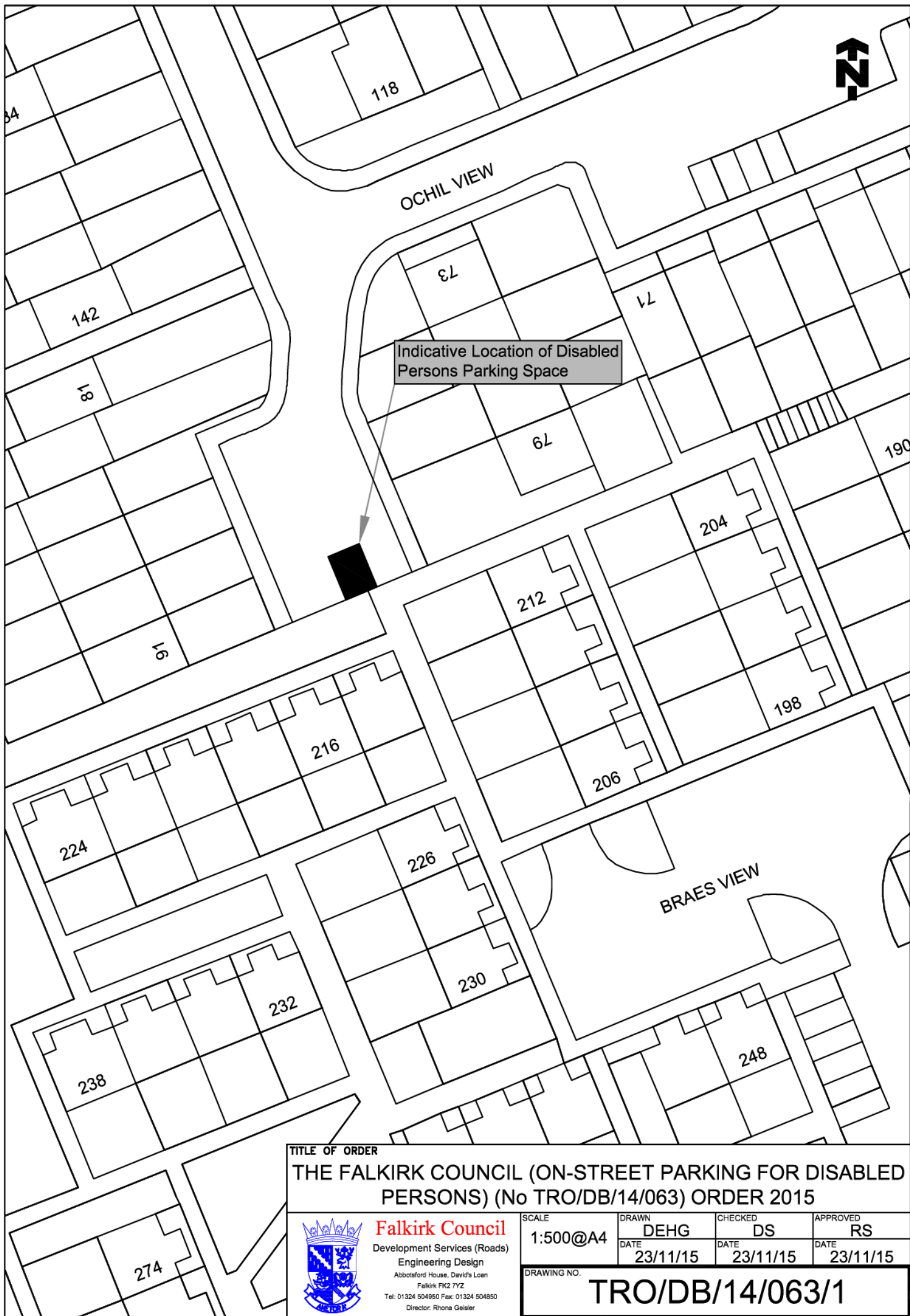
6.1 Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.

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Director of Development Services
Date: 11 January, 2016

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/14/063) Order 2015
2. Letter of objection and correspondence



TITLE OF ORDER

THE FALKIRK COUNCIL (ON-STREET PARKING FOR DISABLED PERSONS) (No TRO/DB/14/063) ORDER 2015



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Development Services (Roads)
Engineering Design
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Director: Rhona Geisler

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23/11/15

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DRAWING NO.

TRO/DB/14/063/1