

The background of the slide features the Falkirk Council Coat of Arms. It consists of a shield divided into four quarters. The top-left quarter shows a saltire (X-shaped cross) on a blue field. The top-right quarter shows a red cross on a white field. The bottom-left quarter shows a ship on wavy lines (representing water). The bottom-right quarter shows a lion passant guardant on a red field. Above the shield is a crown with four fleurs-de-lis. Below the shield is a ribbon with the motto 'A'NE FOR A'.

# **Agenda Item**

**5**

**The Falkirk Council (On-Street  
Parking Space for Disabled  
Persons)(No TRO/DB/16/081)  
Order 2016 – Ochiltree Terrace,  
Camelon**

**FALKIRK COUNCIL**

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR  
DISABLED PERSONS)(No TRO/DB/16/081) ORDER 2016 –  
OCHILTREE TERRACE, CAMELON**  
**Meeting: PLANNING COMMITTEE**  
**Date: 13 September 2017**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Ward: Falkirk North (Ward 6)**

**Local Members: Councillor David Alexander  
Councillor Robert Bissett  
Councillor Dennis Goldie  
Councillor Cecil Meiklejohn**

**Community Council: Inactive**

**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/16/081) Order 2016, the purpose of which is to reserve a parking space on Ochiltree Terrace, Camelon 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 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 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 legally 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 outside their house on Ochiltree Terrace. 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.
- 2.4 The applicant for the bay has agreed that the proposed location described in paragraph 2.3 and shown on the attached drawing numbered TRO/DB/16/081 is convenient for them.

### **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 Act an advisory bay was marked 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 on 24 February 2017.

### **4. CONSULTATION**

- 4.1 Three letters of objection were received, one dated 11 March 2017, one dated 13 March 2017 and the final dated 15 March 2017. The anonymised content of the objections and Development Services' responses is attached in Appendix A
- 4.2 The objections have not been withdrawn.

### **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 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 objection and determine whether the Order should be made.**

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**Director of Development Services**  
**Date: 15 August 2017**

Contact Officer:      Russell Steedman, Network Co-ordinator      Tel: 504830  
                                 Email: russell.steedman@falkirk.gov.uk

### **LIST OF BACKGROUND PAPERS**

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

1. The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/16/081) Order 2016
2. Letters of objection and correspondence



## **APPENDIX A**

### **OBJECTION (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE**

## OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

<p>Objection 1 (received 11 March 2017)</p>	<p>I am writing to object to the disabled parking bay which has been put outside my house. We have lived here for almost 30 years with no problems. A good portion of our garden was taken away when lay-bys were put in. Otherwise we could've put a driveway in the garden. As it stands we have parked in the lay-by all this time.</p> <p>The man who applied for this space uses the car for his own needs. The little girl walks to and from school. He also asked us all to object to it because it's not where he wanted to park. He has an ongoing feud with his neighbour and wanted to park there. Their inability to get on with each other is now affecting the rest of the residents through this parking issue. He has also stated that he would put a drive in his garden.</p> <p>We also feel that that having the parking bay where it is will decrease the value of our home as there is nowhere else to park. This is going to have a knock on effect right along the street if we have to try and park further along the same issues will just carry on there.</p> <p>The lay-by covers 4 houses and 8 cars between them. 3 of the houses have driveways the disabled bay takes up 2 spaces and we are left with nowhere to park.</p>
<p>Development Services Response</p>	<p>I refer to your objection of 11 March 2017, received by email, to the above proposed traffic regulation order and would advise as follows.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which makes provisions for someone to apply for an on-street disabled parking space. The Act requires the Local Authority to provide a disabled persons parking place in a convenient location, on receipt of an application from a qualifying person.</p> <p>The Disabled Persons' Parking Places (Scotland) Act 2009 requires a Local Authority to assess applications for disabled persons' parking places against defined criteria. These criteria include:</p> <ul style="list-style-type: none"> <li>• Applicant must have a valid disabled persons' blue badge.</li> <li>• There must be a vehicle registered to and kept at the applicants address.</li> <li>• Generally, there should not be access to alternative means of off-street parking, in the form of a driveway, garage/lock-up or parking court.</li> </ul> <p>I can advise that in accordance with the 2009 Act, the applicant is considered to be a qualifying person.</p> <p>The applicant has confirmed that the proposed location is</p>

Development Services Response (continued)	<p>convenient. The Council consider the proposed location is convenient for the applicant and a suitable location due to the presence of existing driveway accesses and traffic calming features.</p> <p>I note that you make reference to the size of the disabled persons' parking place and that it reduces the parking available within the layby. On-street parking, within the public road, is on a first come first served basis. As a local resident, you do not have any specific right to the area of carriageway to the front of your property. I can advise that the advisory disabled persons' parking place, currently marked in the layby, is in accordance with regulations and is of the correct dimensions.</p> <p>The Disabled Persons' Parking Places (Scotland) Act 2009 does not extend to considering the value to property in the vicinity of the parking space.</p> <p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in 'The Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999 as amended. Before making a traffic regulation order the local authority must consider all objections made and not withdrawn.</p> <p>In view of the above, I would respectfully ask that you withdraw your objection. Should you wish to withdraw your objection you can do so by writing to <a href="mailto:Adteam3.ds@falkirk.gov.uk">Adteam3.ds@falkirk.gov.uk</a>, quoting TRO\DB\16\081.</p> <p>I would advise that should you decide not to withdraw your objection a report will be placed before the Planning Committee requesting this matter to be determined. Any report will note your comments.</p>
Objection 2 (received 13 March 2017)	<p>I am writing to object to the disabled space that has been put outside my house at 95 ochiltree terrace, I have 2 cars at my household and although I have a driveway it is too narrow for both cars to fit. I usually park one car in my drive and the other over my drive but with the disabled space being where it is I can no longer do this without either partially blocking my neighbours drive or partially blocking the disabled bay for which I have already had the police phoned out for and threatened to have my car uplifted. I have spoke to the couple about this and they told me to object to the space because it's not where they want it as they have an ongoing issue with their neighbour about parking and they would prefer the space to be put outside his house or have a driveway put in. This petty argument has now had a knock on effect with the rest of the residents in the street as there is limited parking available I have already phoned and had a complaint logged and was meant to receive a phone call to which I still haven't received so I would appreciate if you could get back to me regarding this.</p>



<p>Development Services Response</p>	<p>I refer to your objection of 13 March 2017, received by email, to the above proposed traffic regulation order and would advise as follows.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which makes provisions for someone to apply for an on-street disabled parking space. The Act requires the Local Authority to provide a disabled persons parking place in a convenient location, on receipt of an application from a qualifying person.</p> <p>The Disabled Persons' Parking Places (Scotland) Act 2009 requires a Local Authority to assess applications for disabled persons' parking places against defined criteria. These criteria include:</p> <ul style="list-style-type: none"> <li>• Applicant must have a valid disabled persons' blue badge.</li> <li>• There must be a vehicle registered to and kept at the applicants address.</li> <li>• Generally, there should not be access to alternative means of off-street parking, in the form of a driveway, garage/lock-up or parking court.</li> </ul> <p>I can advise that in accordance with the 2009 Act, the applicant is considered to be a qualifying person.</p> <p>The applicant has confirmed that the proposed location is convenient. The Council consider the proposed location is convenient for the applicant and a suitable location due to the presence of existing driveway accesses and traffic calming features.</p> <p>I note that you make reference to the fact that the disabled persons' parking place reduces the parking available within the layby. On-street parking, within the public road, is on a first come first served basis. Residents do not have any specific right to the area of carriageway to the front of their property. I can advise that the advisory disabled persons' parking place, currently marked in the layby, is in accordance with regulations and is of the dimensions required by the regulations.</p> <p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in 'The Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999 as amended. Before making a traffic regulation order the local authority must consider all objections made and not withdrawn.</p> <p>In view of the above, I would respectfully ask that you withdraw your objection. Should you wish to withdraw your objection you can do so by writing to <a href="mailto:Adteam3.ds@falkirk.gov.uk">Adteam3.ds@falkirk.gov.uk</a>, quoting TRO\DB\16\081.</p> <p>I would advise that should you decide not to withdraw your objection a report will be placed before the Planning Committee requesting this</p>
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Development Services Response (continued)	matter to be determined. Any report will note your comments.
Objection 3 (received 15 March 2017)	<p>I am writing to object to the proposed disabled parking bay outside 93 Ochiltree Terrace Camelon.</p> <p>The reasons for my objection are that my partner is also disabled she has rheumatoid arthritis and one of her ankles is completely fused. At the moment there are eight cars that share the parking bay. If the disabled bay becomes live that would mean a loss of two of the parking spaces and a consertina affect of that would mean my partner will have to park anything from 30 to 100 yards away from where she parks at the moment that would not be suitable for her with her disability.</p> <p>My other objection is that the car that will occupy the disabled bay does not get used for the child's benefit as dad leaves for work at six am and does not return till five pm at night this is Monday to Friday child and mum walk to and from school I can't comment on weekends but Monday to Friday car is not used for child's benefit.</p>
Development Services Response	<p>I refer to your objection, hand delivered to Abbotsford House on 15 March 2017, to the above proposed traffic regulation order and would advise as follows.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which makes provisions for someone to apply for an on-street disabled parking space. The Act requires the Local Authority to provide a disabled persons parking place in a convenient location, on receipt of an application from a qualifying person.</p> <p>The Disabled Persons' Parking Places (Scotland) Act 2009 requires a Local Authority to assess applications for disabled persons' parking places against defined criteria. These criteria include:</p> <ul style="list-style-type: none"> <li>• Applicant must have a valid disabled persons' blue badge.</li> <li>• There must be a vehicle registered to and kept at the applicant's address.</li> <li>• Generally, there should not be access to alternative means of off-street parking, in the form of a driveway, garage/lock-up or parking court.</li> </ul> <p>I can advise that in accordance with the 2009 Act, the applicant is considered to be a qualifying person.</p> <p>The applicant has confirmed that the proposed location is convenient. The Council consider the proposed location is</p>

<p>Development Services Response (continued)</p>	<p>convenient for the applicant and a suitable location due to the presence of existing driveway accesses and traffic calming features.</p> <p>I note that you make reference to the fact that the disabled persons' parking place reduces the parking available within the layby. On-street parking, within the public road, is on a first come first served basis. Residents do not have any specific right to the area of carriageway to the front of their property. I can advise that the advisory disabled persons' parking place, currently marked in the layby, is in accordance with regulations and is of the dimensions required by the regulations.</p> <p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in 'The Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999 as amended. Before making a traffic regulation order the local authority must consider all objections made and not withdrawn.</p> <p>In view of the above, I would respectfully ask that you withdraw your objection. Should you wish to withdraw your objection you can do so in writing by completing and returning the attached pro-forma.</p> <p>I would advise that should you decide not to withdraw your objection a report will be placed before the Planning Committee requesting this matter to be determined. Any report will note your comments.</p>
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