

The background of the slide features the Falkirk Council Coat of Arms. It is a shield divided vertically. The left half shows a castle tower and a saltire (X-shaped cross). The right half shows a stag's head with antlers. Above the shield is a crown with four fleurs-de-lis. Below the shield is a ribbon with the motto 'AWE FOR A'.

## **Agenda Item 4**

**THE FALKIRK COUNCIL (ON-STREET  
PARKING SPACE FOR DISABLED  
PERSONS)(No TRO/DB/18/002)  
ORDER 2017 – PARK AVENUE,  
DENNYLOANHEAD**

**FALKIRK COUNCIL**

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/18/002) ORDER 2017 – PARK AVENUE, DENNYLOANHEAD**  
**Meeting: PLANNING COMMITTEE**  
**Date: 15 August 2018**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Ward: Denny & Banknock (Ward 3)**

**Local Members: Councillor Jim Blackwood  
Councillor Fiona Collie  
Councillor Paul Garner  
Councillor Nigel Harris**

**Community Council: Denny & 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/18/002) Order 2017, the purpose of which is to reserve a parking space on Park Avenue, Dennyloanhead 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 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 the front of their property on Park Avenue, Dennyloanhead. 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 was sent a plan showing the disabled bay in the same location their vehicle was witnessed to be parked in during initial site surveys. This location is described in paragraph 2.3 and shown on the attached drawing numbered TRO/DB/18/002/002. The applicant responded on 22 February 2018 to advise that the location is convenient and that their vehicle is regularly parked in the area identified as a proposed disabled bay. As such, the proposed bay location is considered to be 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 22 February 2018.

### **4. CONSULTATION**

- 4.1 One letter of objection was received, dated 26 February 2018. The anonymised content of the objection and Development Services' response is attached in Appendix A
- 4.2 The objection has 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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**pp Director of Development Services**  
**Date: 03 August 2018**

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/18/002) Order 2017
2. Letter of objection and correspondence



TITLE OF ORDER

THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR  
DISABLED PERSONS) (TRO/DB/18/002) ORDER 2018



**Falkirk Council**  
Development Services (Roads)  
Engineering Design  
Abbotsford House, David's Loan  
Falkirk FK2 7YZ  
Tel: 01324 504850 Fax: 01324 504850  
Director: Rhona Geisler

SCALE

1:500@A4

DRAWN

MD

CHECKED

JA

APPROVED

RS

DATE

29/01/18

DATE

05/02/18

DATE

05/02/18

DRAWING NO.

**TRO/DB/18/002/002**

## **APPENDIX A**

### **OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES**

## OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

<p>Objection (received 26 February 2018)</p>	<p>We spoke to a member of the team and found the link for the bay location and fully object to the bay location. This will cause obstruction for access for number 12 and create dangerous vehicle movements in the street due to vehicles parking on opposite sides. This location has already caused numerous accidents over the years and is only a matter of time before something serious happens. This is already a daily struggle with cars in the street, We suggest moving the bay outside 21 or in front 10/12 or simply provide a driveway, This way it would cause no problems in the street and little or none disruption.</p>
<p>Development Services Response of 10 April 2018</p>	<p>I refer to your objection received 26 February 2018 to the above proposed traffic regulation order.</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. The applicant has confirmed that the proposed location is convenient.</p> <p>During the assessment of the application, a site visit was carried out to determine where the applicant parked their vehicle. Over several visits, the applicant's vehicle was observed in the location identified in the draft traffic regulation order. It was noted that there were cars parked on-street within Park Avenue but that there appeared to be no prevalence regarding which side vehicles parked on. It was also noted that many properties have driveway accesses and this, along with the requirement to identify a convenient location for the applicant, must be taken into account when considering the availability of carriageway space for parking.</p>

<p>Development Services Response of 10 April 2018 (continued)</p>	<p>I note your suggestion that this location has '<i>caused numerous accidents over the years</i>'. Personal injury accident (pia) data, collected by Police Scotland and provided to the Council for analysis shows that zero personal injury accidents have occurred at this location since 1981. Consequently, there are no road safety concerns in relation to on-street parking at this location.</p> <p>Whilst I note your suggestion that the bay is relocated or a driveway created for the applicant, I would advise that this current location is considered convenient for the applicant. With regards to the creation of a driveway for the applicant, it is not the Council's responsibility to provide off-street parking, in the form of a driveway, for individuals.</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 if you are minded to do so. 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\18\002.</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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