

FALKIRK COUNCIL

**Subject: ON-STREET PARKING SPACES FOR DISABLED PERSONS,
CASTINGS AVENUE, FALKIRK**
Meeting: PLANNING COMMITTEE
Date: 26 January 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

**Local Members: Provost Pat Reid
Councillor David Alexander
Councillor Craig R Martin
Councillor Cecil Meiklejohn**

Community Council: Grahamston, Middlefield & Westfield

Council Officers: Russell Steedman – Network Co-ordinator

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this proposed traffic regulation order was originally considered at the meeting of the Planning Committee on 01 December 2010 (copy of previous report appended), when it was agreed to continue consideration of the proposed traffic regulation order and undertake a site visit. This visit took place on 17 January 2011.
2. Following requests for clarification by Members of the Committee and local members present, the Convener and the legal adviser present confirmed the reason that the applicants and objectors had not been invited to attend and make representations to the site meeting. The governing legislation for roads procedures of this nature, 'The Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999, sets down formal requirements and timescales for objections to Orders to be made and if it is determined by the authority that a hearing should be held, the hearing requires to be conducted by an independent reporter appointed by the authority from a list of persons compiled by the Scottish Ministers and in accordance with procedures determined by the reporter. To hear objectors at a site visit of this nature would not be in compliance with the procedures set down in the legislation. The hearing process set down in the 1999 Regulations was referred to at paragraph 1.2 of the said Report dated 24 November 2010. Members of the Committee were, however, fully apprised of the written objections received, on 06 September 2010, during the statutory objection period.
3. Members viewed the location of the proposed traffic regulation orders for disabled spaces.
4. Members raised concerns over the width of the disabled parking spaces and the effect this would have on reducing the availability of parking in the area. Officers advised that

the national regulations for road markings state that an end on disabled persons' parking space must be 3.6m wide.

5. No matters were raised which would amend the original recommendation that Members consider the terms of the report including the objections and determine whether the Order should be made.

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: 18 January 2011

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

FALKIRK COUNCIL

**Subject: ON-STREET PARKING SPACES FOR DISABLED PERSONS,
CASTINGS AVENUE, FALKIRK**
Meeting: PLANNING COMMITTEE
Date: 01 December 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

1.1 This report seeks a decision on three traffic regulation orders (the Orders);

- The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/035) Order 2010.
- The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/060) Order 2010.
- The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/063) Order 2010.

The purpose of these Orders is to reserve parking spaces in Castings Avenue, Falkirk 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 Orders. In terms of the relevant legislation, the Authority requires to consider all objections made, and not withdrawn, before making the orders.

1.2 Members should be aware that it is available to them to call for a hearing on any or all of the Orders should they find themselves unable to determine whether the Orders 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 The 2009 Act permits applications to be made only by qualifying persons who hold a Blue Badge and whose address is:

- (i) if the person is an individual, the same as the registered address of the registered keeper of a vehicle suitable for the carriage of the individual; or
- (ii) if the individual is an organisation, is the same as the registered address of the registered keeper of a vehicle used by or on behalf of the organisation to carry disabled persons.

- 2.3 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.
- 2.4 Applications for a disabled person's parking space were received from 3 residents of Castings Avenue, Falkirk. 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. The current parking arrangement is shown on attached drawing number CR/CA/001.
- 2.5 An assessment of Castings Avenue, Falkirk identified that any of the parking spaces in the parking area outside house numbers 57 to 67 Castings Avenue (shown on attached drawing number CR/CA/001) would be suitable for allocating a parking place. In terms of road safety and congestion, there are no issues which would prevent a disabled bay being provided in any parking bay in this parking area. The most convenient location for the disabled spaces is to the eastern end of the parking area as this allows the spaces to be closest to the applicants' respective addresses, whilst minimising the disruption to the other parking spaces.
- 2.6 There are no other disabled persons' parking places within the parking area. Attached drawing number CR/CA/002 indicates the proposed locations of disabled persons' parking places.

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 instigated.
- 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 2010.

4. CONSULTATION

- 4.1 11 matching objections, in respect of each proposed Order dated 25 August 2010, were received from residents of Castings Avenue, Falkirk. Following explanatory correspondence one objection has been withdrawn.
- 4.2 The basis of the objections received was that the provision of a disabled parking space, as proposed in each of the Traffic Regulation Orders, would allow applicants to occupy certain parking spaces without the consideration for other more vulnerable residents. Objectors also raised concerns about the reduction in parking due to the statutory width of a disabled parking space.
- 4.3 Development Services responded on 8 October 2010 explaining that the 2009 Act criteria requires the Council to identify a disabled person's parking place where there is convenient access to the person's address. They were also advised that, where applicable, disabled bays are generally located at the end of a parking area. This ensures that the vehicle can be located as far as possible from other parking bays and as close to a footway as possible which make access/egress more convenient for the disabled

occupant of the vehicle. The size of the space is determined by the Traffic Signs and General Directions 2002. Standard parking spaces are 2.5m wide. A marked end on disabled parking space is required to be 3.6m wide to comply with the regulations. They were also advised that disabled spaces are not reserved for an individual and are able to be used by any blue badge holder.

4.4 One objector withdrew their objection to each Order on 15 October 2010. The other 10 objectors have not withdrawn their objections following the response of 8 October 2010 and hence are considered to be maintaining their objection. Consequently, a Committee decision on the making of each Order is required in accordance with para 1.1.

5.0 CONCLUSION

5.1 The purpose of these particular Orders is to provide parking spaces for disabled persons who meet the requirement of impaired mobility and have difficulties parking near their home.

5.2 The applicants for whom these Orders were promoted meet the current assessment criteria for obtaining a disabled person's parking space in accordance with the 2009 Act.

6.0 RECOMMENDATIONS

6.1 **Members are asked to consider the terms of the report including the objections and determine whether any, or all, of the following Orders should be made:**

- **The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/035) Order 2010.**
- **The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/060) Order 2010.**
- **The Falkirk Council (On-Street Parking Spaces for Disabled Persons) (No: 10/063) Order 2010.**

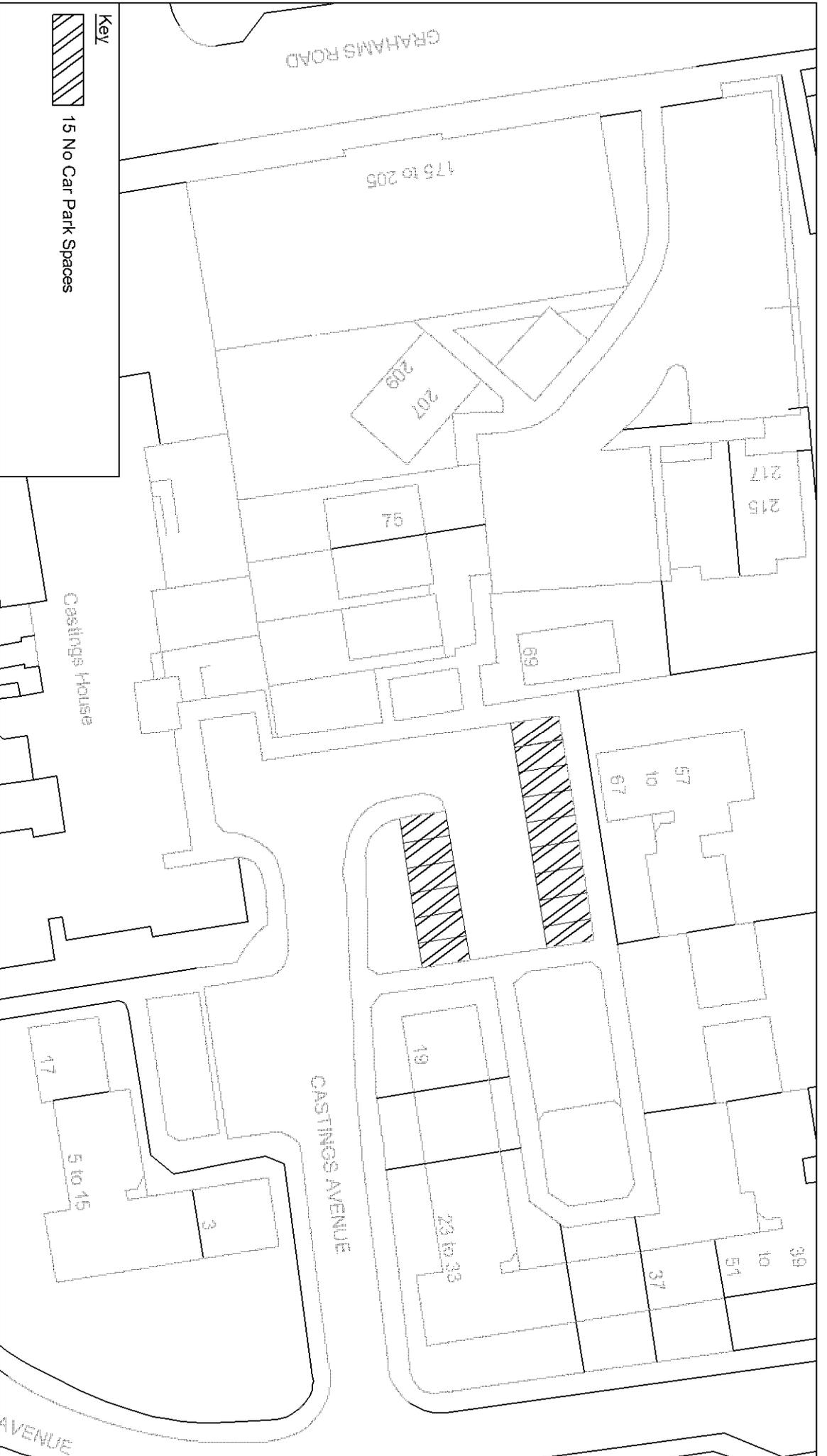


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Director of Development Services

Date: 24 November 2010

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



Key
 15 No Car Park Spaces

REVISIONS AND ISSUES

NO	DATE	BY	DETAILS

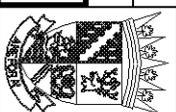
PROJECT
 Castings Avenue, Falkirk

DRAWING
 Existing Parking Layout

DRAWN	CHECKED	APPROVED
DS	RS	DS

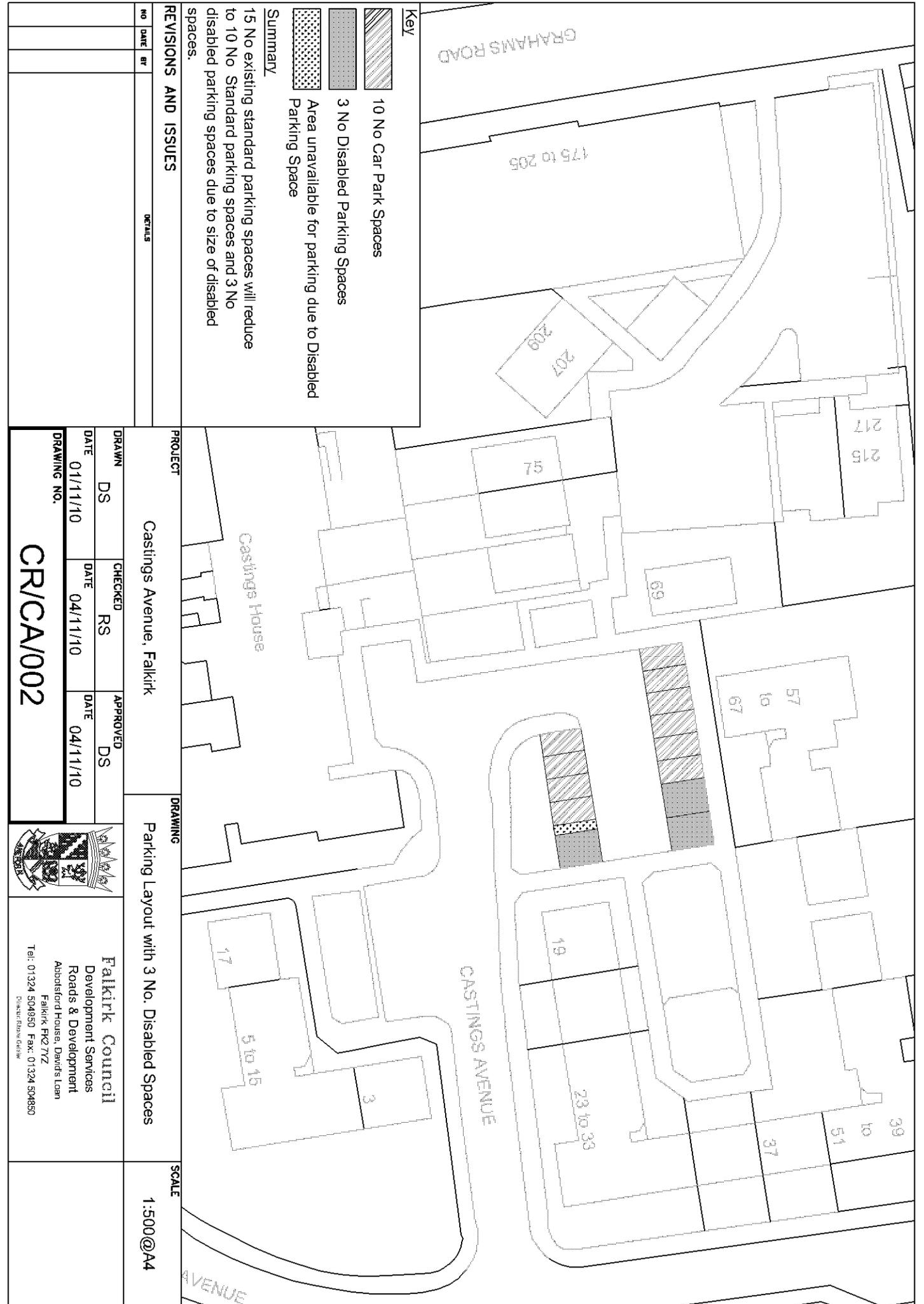
DATE	DATE	DATE
01/11/10	04/11/10	04/11/10

DRAWING NO.
CR/CA/001



Falkirk Council
 Development Services
 Roads & Development
 Abbotstford House, Davids Loan
 Falkirk FK2 7TZ
 Tel: 01324 504950 Fax: 01324 504850
Director: Brian Gilman

SCALE
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LIST OF BACKGROUND PAPERS

1. The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No 10/035) Order 2010
2. The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No 10/060) Order 2010
3. The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No 10/063) Order 2010
4. Letters of objection and Development Services explanatory correspondence