

AGENDA ITEM 1

The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999

The Falkirk Council (On-Street Parking for Disabled Persons) (Numbers 10/035, 10/060 and 10/063) Orders 2010

1. This Note contains the Reporter's provisional proposals for the conduct of a conjoined hearing into three separate Orders making provision for on-street parking spaces in Castings Avenue Falkirk. Any interested party may make representations suggesting that a different procedure to be followed, and if any representations are made a final decision will be made at the start of the hearing. Otherwise, the procedure will be as set out in this note.
2. The hearing has been arranged to take place on Friday 17 June 2011 at 2 p.m. within the Council Chambers, Municipal Buildings, Falkirk. The hearing will be a conjoined one and all three Orders will be considered together.
3. With a view to achieving maximum informality, the Reporter proposes that the hearing should take the form of a round-table discussion led by the Reporter. In the course of that discussion interested parties may express their views about the proposed Orders and the objections which have been submitted to them. The Reporter will have made an unaccompanied visit to Castings Avenue at some point before the start of the hearing.
4. After introductions and considering any representations about the proposed procedure to be followed at the hearing, an officer from the Council will be asked to make a factual statement. This is intended to set out briefly the nature of the three Orders under consideration and any relevant road traffic or road safety or other technical considerations which were taken into account in proposing to make the Orders.
5. The applicants (individually or collectively) will have the opportunity to make an opening statement if they wish.
6. Discussion will take place thereafter broadly following the list of objections issues reported to the Council in December 2010. While it will be open to all concerned to ask questions and participate in the discussion under the direction of the

Reporter, there will be no formal leading of evidence or cross-examination.

7. Any party who wishes to ask the Reporter to consider any published document, any kind of statistics, or photographs not previously considered by the Council should submit two copies to the Council not later than two weeks before the hearing is due to begin. One copy will be for the Reporter's use and the other will be available for inspection by other parties prior to the hearing at the Council's offices.
8. Participants will be allowed, if they wish, to make a summing up statement before the hearing is concluded.
9. Parties should note that the Blue Badge scheme and entitlements within it are outwith the scope of this hearing.
10. After the conclusion of the hearing, the Reporter will submit a written report with recommendations to the Council.

The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999

Hearing on Friday 17 June 2011 at 2.00 p.m.

List of Enclosures – Agenda Item 2 Appendices

1. Reports by the Director of Development Services submitted to the meetings of the Planning Committee of Falkirk Council on 1 December 2010 and 26 January 2011.
2. Summaries of objections and considerations by the Roads Service within the Council's Development Services relating to the three applications numbered 10/035, 10/60 and 10/63.
3. Extracts from the minutes of the meetings of Planning Committee on 1 December 2010, the Planning Committee On Site on 17 January 2011 and the Planning Committee on 26 January 2011.
4. Location Plan showing proposed and existing On Street Disabled Parking Spaces within 200 metre radius.

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 appraised 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.

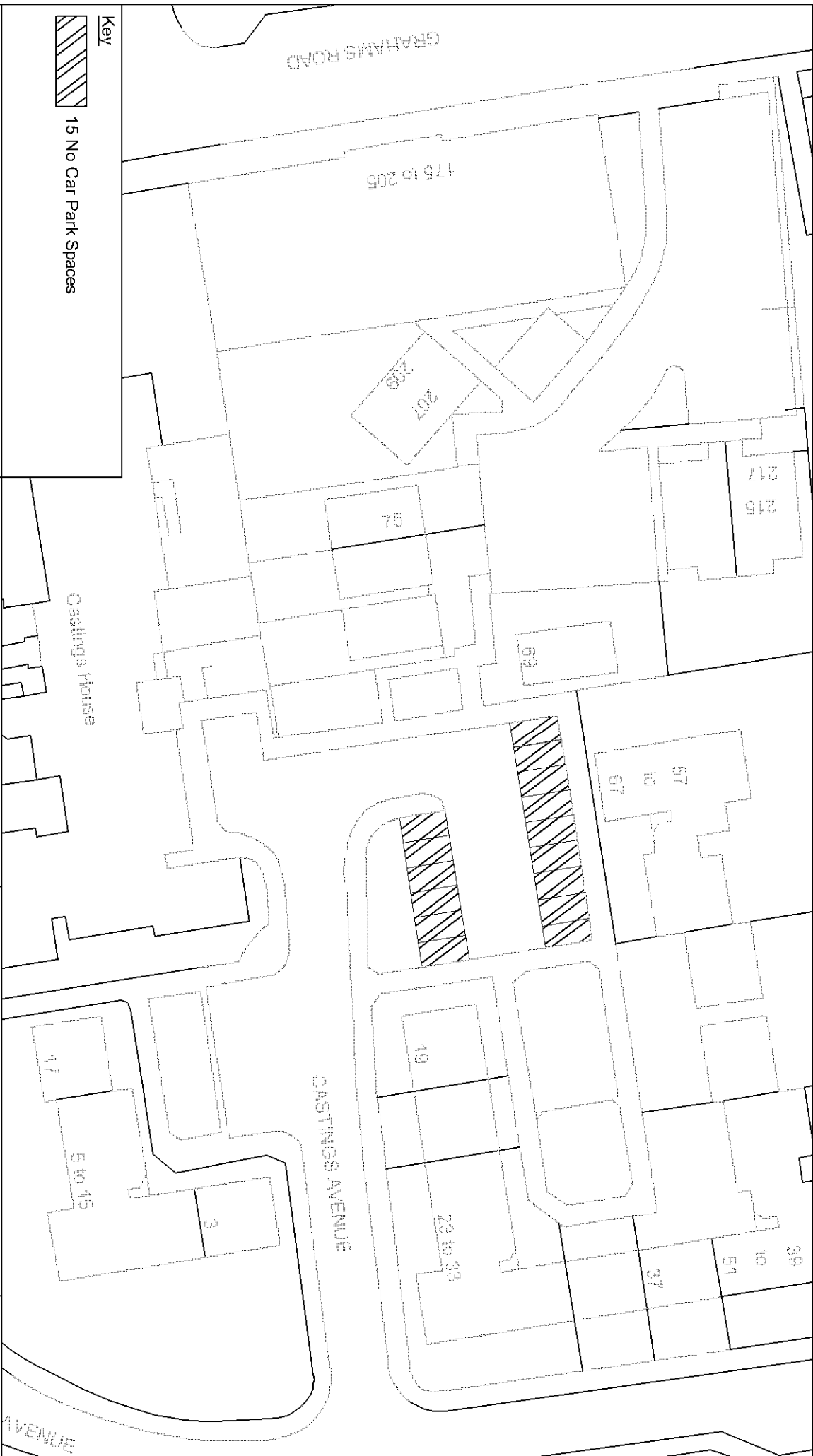


Pp

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Director of Development Services

Date: 24November 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

SCALE

1:500@A4

DRAWN

DS

CHECKED

RS

APPROVED

DS

DATE

01/11/10

DATE

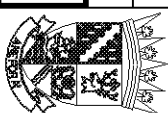
04/11/10

DATE

04/11/10

DRAWING NO.

CR/CA/001



Falkirk Council

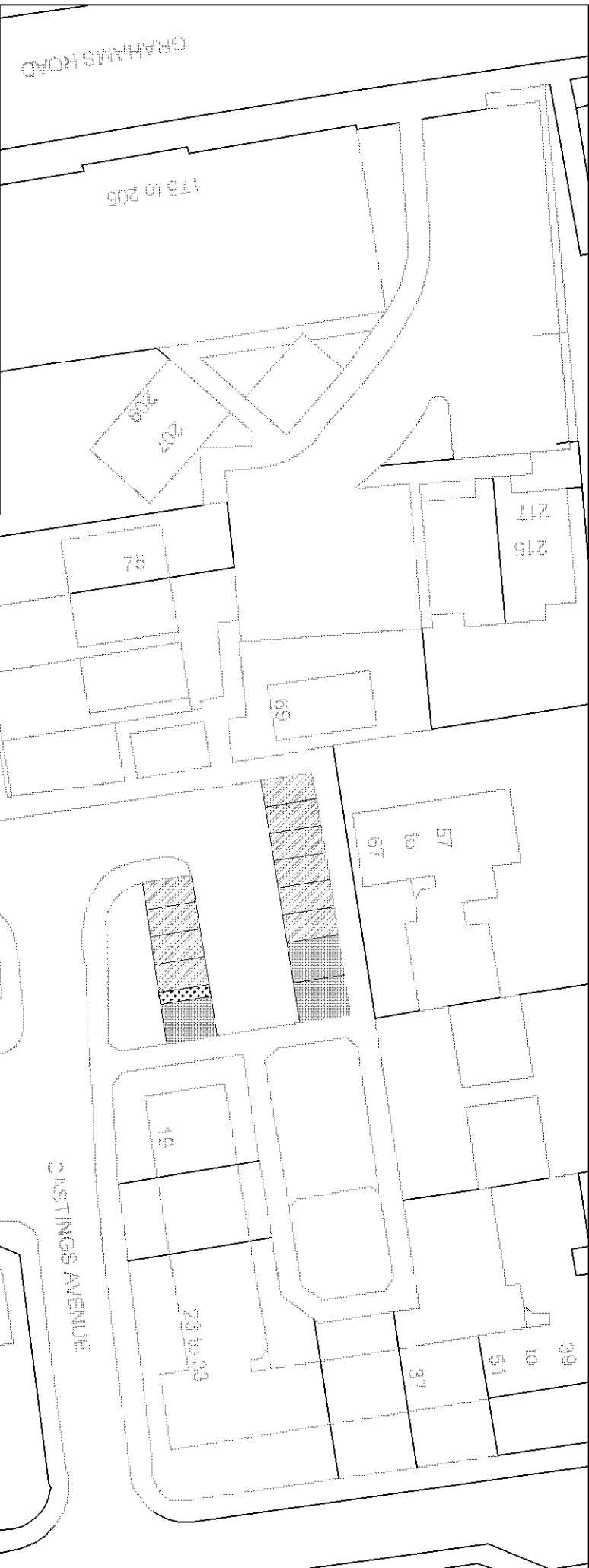
Development Services

Roads & Development

Abbotsford House, Davids Loan

Falkirk FK2 7TZ
Tel: 01324 504950 Fax: 01324 504850

Director: Brian Gibson



Key

10 No Car Park Spaces

3 No Disabled Parking Spaces

Area unavailable for parking due to Disabled Parking Space

Summary

15 No existing standard parking spaces will reduce to 10 No Standard parking spaces and 3 No disabled parking spaces due to size of disabled spaces.

REVISIONS AND ISSUES

NO	DATE	BY	DETAILS

PROJECT

Castings Avenue, Falkirk

DRAWING

Parking Layout with 3 No. Disabled Spaces

SCALE

1:500@A4

DRAWN

DS

CHECKED

RS

APPROVED

DS

DATE

01/11/10

DATE

04/11/10

DATE

04/11/10

DRAWING NO.

CR/CA/002



Falkirk Council

Development Services

Roads & Development

Abbotsford House, Davids Loan

Falkirk FK2 7TZ

Tel: 01324 504950 Fax: 01324 504850

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

THE FALKIRK COUNCIL (ON-STREET PARKING FOR DISABLED PERSONS)(NO:35) ORDER 2010

Summary of Objections and Considerations

Objection letter received 06 September 2010

Objections issues:

Development Services Consideration:

<ul style="list-style-type: none"> ▪ Applicant looking to occupy certain parking spaces. 	<ul style="list-style-type: none"> ▪ Survey conducted assessing site conditions relating to application. ▪ Castings Avenue is part of the adopted public road. Consequently if a vehicle is taxed, has a valid MOT and insurance, vehicles are not committing an offence by parking in Castings Avenue. ▪ No road safety concerns relating to the siting of the spaces.
<ul style="list-style-type: none"> ▪ Elderly residents without cars will suffer as they may have to walk further to carers/family vehicles. 	<ul style="list-style-type: none"> ▪ Disabled spaces are sited at the end of parking areas to minimise the effect. ▪ Any blue badger holder can use a space once it is marked on the ground. ▪ Local authority required to identify a convenient location. The proposed space is convenient for the applicant.
<ul style="list-style-type: none"> ▪ Applicant does not have mobility issues. 	<ul style="list-style-type: none"> ▪ The Disabled Persons' Parking Places (Scotland) Act 2009 makes provisions for individuals to apply for on-street disabled persons' parking place. ▪ Applications can be made by any disabled persons blue badge holder whose address is the same as the registered keeper of the vehicle. ▪ Applicant meets these criteria.
<ul style="list-style-type: none"> ▪ Disabled spaces would reduce total available parking. 	<ul style="list-style-type: none"> ▪ National guidance states end on spaces should be 3.6m wide. Spaces narrower than this cannot be enforced by Central Scotland Police.
<ul style="list-style-type: none"> ▪ Applicant has three cars 	<ul style="list-style-type: none"> ▪ Car can only park in a disabled space if a valid blue badge is displayed.

THE FALKIRK COUNCIL (ON-STREET PARKING FOR DISABLED PERSONS)(NO:60) ORDER 2010

Summary of Objections and Considerations

Objection letter received 06 September 2010

Objections issues:

Development Services Consideration:

<ul style="list-style-type: none"> ▪ Applicant looking to occupy certain parking spaces. 	<ul style="list-style-type: none"> ▪ Survey conducted assessing site conditions relating to application. ▪ Castings Avenue is part of the adopted public road. Consequently if a vehicle is taxed, has a valid MOT and insurance, vehicles are not committing an offence by parking in Castings Avenue. ▪ No road safety concerns relating to the siting of the spaces.
<ul style="list-style-type: none"> ▪ Elderly residents without cars will suffer as they may have to walk further to carers/family vehicles. 	<ul style="list-style-type: none"> ▪ Disabled spaces are sited at the end of parking areas to minimise the effect. ▪ Any blue badger holder can use a space once it is marked on the ground. ▪ Local authority required to identify a convenient location. The proposed space is convenient for the applicant.
<ul style="list-style-type: none"> ▪ Applicant does not have mobility issues. 	<ul style="list-style-type: none"> ▪ The Disabled Persons' Parking Places (Scotland) Act 2009 makes provisions for individuals to apply for on-street disabled persons' parking place. ▪ Applications can be made by any disabled persons blue badge holder whose address is the same as the registered keeper of the vehicle. ▪ Applicant meets these criteria.
<ul style="list-style-type: none"> ▪ Disabled spaces would reduce total available parking. 	<ul style="list-style-type: none"> ▪ National guidance states end on spaces should be 3.6m wide. Spaces narrower than this cannot be enforced by Central Scotland Police.
<ul style="list-style-type: none"> ▪ Applicant can play 18 holes of golf. 	<ul style="list-style-type: none"> ▪ Not relevant to the traffic regulation order.

THE FALKIRK COUNCIL (ON-STREET PARKING FOR DISABLED PERSONS)(NO:63) ORDER 2010

Summary of Objections and Considerations

Objection letter received 06 September 2010

Objections issues:

Development Services Consideration:

<ul style="list-style-type: none"> ▪ Applicant looking to occupy certain parking spaces. 	<ul style="list-style-type: none"> ▪ Survey conducted assessing site conditions relating to application. ▪ Castings Avenue is part of the adopted public road. Consequently if a vehicle is taxed, has a valid MOT and insurance, vehicles are not committing an offence by parking in Castings Avenue. ▪ No road safety concerns relating to the siting of the spaces.
<ul style="list-style-type: none"> ▪ Elderly residents without cars will suffer as they may have to walk further to carers/family vehicles. 	<ul style="list-style-type: none"> ▪ Disabled spaces are sited at the end of parking areas to minimise the effect. ▪ Any blue badger holder can use a space once it is marked on the ground. ▪ Local authority required to identify a convenient location. The proposed space is convenient for the applicant.
<ul style="list-style-type: none"> ▪ Applicant does not have mobility issues. 	<ul style="list-style-type: none"> ▪ The Disabled Persons' Parking Places (Scotland) Act 2009 makes provisions for individuals to apply for on-street disabled persons' parking place. ▪ Applications can be made by any disabled persons blue badge holder whose address is the same as the registered keeper of the vehicle. ▪ Applicant meets these criteria.
<ul style="list-style-type: none"> ▪ Disabled spaces would reduce total available parking. 	<ul style="list-style-type: none"> ▪ National guidance states end on spaces should be 3.6m wide. Spaces narrower than this cannot be enforced by Central Scotland Police.

EXTRACT MINUTES:

Extract from the minute of Planning Committee on 1 December 2010

P143. ON-STREET PARKING SPACES FOR DISABLED PERSONS, CASTINGS AVENUE, FALKIRK

There was submitted Report (circulated) dated 24 November 2010 by the Director of Development Services seeking a decision on three applications for disabled parking spaces numbered 10/035, 10/060 and 10/063 from residents of Castings Avenue, Falkirk.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the sites by Committee.

Extract from the minute of Planning Committee On Site on 17 January 2011

P160. ON-STREET PARKING SPACES FOR DISABLED PERSONS, CASTINGS AVENUE, FALKIRK

With reference to Minute of Meeting of the Planning Committee held on 1 December 2010 (Paragraph P143 refers), Committee gave further consideration to Report (circulated) dated 24 November 2010 by the Director of Development Services seeking a decision on three applications for disabled parking spaces numbered 10/035, 10/060 and 10/063 from residents of Castings Avenue, Falkirk.

The Convener introduced the parties present.

Following requests for clarification by Members of the Committee and local members present, the Convener and the Solicitor (K Quin) 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, set down formal requirements and timescales for objections to Orders to be made and if it were determined by the authority that a Hearing should be held, the Hearing required 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 by the Director of Development Services dated 24 November 2010. Members of the Committee were however fully apprised of the written objections received during the statutory objection period and the objections received by 6 September 2010.

The Network Co-ordinator outlined the nature of the applications.

Questions were then asked by Members of the Committee and Councillors Meiklejohn and Alexander, local members for the area.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 26 January 2011.

Extract from the minute of Planning Committee on 26 January 2011

P164. ON-STREET PARKING SPACES FOR DISABLED PERSONS, CASTINGS AVENUE, FALKIRK (CONTINUATION)

Prior to consideration of this item of business, Councillor Mahoney informed the Committee that he had not attended the site visit and consequently would take no part in consideration of the item.

With reference to Minute of Meeting of the Planning Committee held on 1 December 2010 (Paragraph P143 refers), Committee gave further consideration to Report (circulated) dated 24 November 2010 by the Director of Development Services and an additional Report (circulated) dated 18 January 2011 by the said Director on three applications for disabled parking spaces numbered 10/035, 10/060 and 10/063 from residents of Castings Avenue, Falkirk.

AGREED that a Hearing be organised in terms of the Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999.



3 No. proposed on-street disabled parking spaces



2 No. existing on-street disabled parking spaces

REVISIONS AND ISSUES

NO	DATE	BY	DETAILS

PROJECT

Castings Avenue, Falkirk

DRAWING

On-Street Disabled Spaces
with 200m radius

SCALE

1:2500@A4

DRAWN

DS

DATE
09/05/11

CHECKED

DATE

APPROVED

DATE

DRAWING NO.

TM15-10-035/ds/ds



Falkirk Council

Development Services (Roads)

Roads and Development

Abbotsford House, David's Loan

Falkirk FK2 7YZ

Tel: 01324 504950 Fax: 01324 504850

Director: Rhona Geisler