

The background of the slide features the Falkirk Council Coat of Arms. It is a shield divided into four quarters. The top-left quarter shows a castle tower. The top-right quarter shows a stag's head with antlers. The bottom-left quarter shows a ship on water. The bottom-right quarter shows a lion passant guardant. 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 5

**THE FALKIRK COUNCIL (ON-STREET
PARKING SPACE FOR DISABLED
PERSONS)(No TRO/DB/19/095)
ORDER 20__ – FORTH AVENUE,
LARBERT**

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/19/095) ORDER 20__ – FORTH AVENUE, LARBERT
Meeting: PLANNING COMMITTEE
Date: 18 March 2020
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Bonnybridge and Larbert (5)

**Local Members: Provost William Buchanan
Councillor Niall Coleman
Councillor David Grant**

Community Council: Larbert & Stenhousemuir

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/19/095) Order 20__, the purpose of which is to reserve a parking space on Forth Avenue, Larbert for disabled persons. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 reporter appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider their report and recommendation before making a determination.

2. BACKGROUND

- 2.1 The 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 the 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 Forth Avenue, Larbert. 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 observed during initial site surveys. This location is described in paragraph 2.3 and shown on the attached drawing numbered TRO/DB/19/095/001.

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.
- 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 28 November 2019.

4. CONSULTATION

- 4.1 Two objections were received on 30 November 2019 (objection 1) and 14 December 2019 (objection 2) respectively. Following Development Services response, objection 2 was withdrawn by e-mail dated 15 January 2020. The anonymised content of the objections and Development Services' responses are attached in Appendix A

CONCLUSION

- 5.1 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 remaining objection and determine whether the Order should be made.**

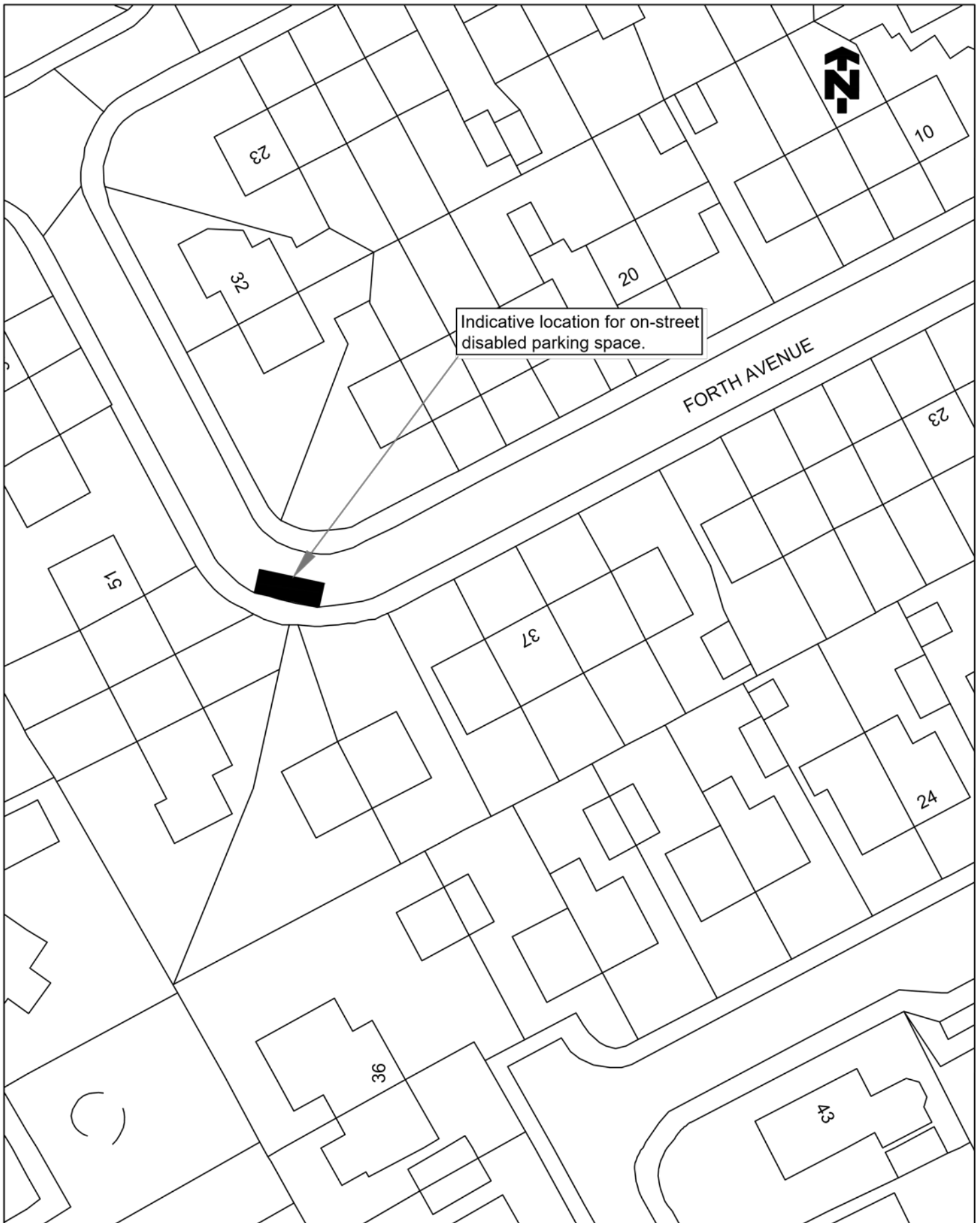
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Director of Development Services
Date: 4 March 2020

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/19/095) Order 20__
2. Letters of objection and correspondence



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TITLE OF ORDER

**THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
 DISABLED PERSONS) (NO TRO/DB/19/095) ORDER 2019**



Falkirk Council
 Development Services (Roads)
 Engineering Design
 Abbotsford House, David's Loan
 Falkirk FK2 7YZ
 Tel: 01324 504950 Fax: 01324 504850
 Director: Rhona Geisler

SCALE

1:500@A4

DRAWN

GJ

DATE

23/10/19

CHECKED

DEHG

DATE

25/10/19

APPROVED

RS

DATE

25/10/19

DRAWING NO.

TRO/DB/19/095/001

APPENDIX A

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

<p>Objection 1 (received 30 November 2019)</p>	<p>I write to formally object in writing to traffic order TRO/DB/19/095 in Forth Avenue, Larbert.</p> <p>I am a resident of Forth Avenue, the proposed disabled space is directly outside my house.</p> <p>I object on the grounds that I do not believe that it meets section 45(3) of the Road Traffic Act 1984. I believe that the reasonable access to premises will be impaired. Due to the layout of the street, this space covers the only road space outside 3 houses: 43, 45 & 47 Forth Avenue and there is no opportunity for off-street parking at these addresses. This means that this is the only reasonable space for loading & unloading; and servicing the buildings. Access to this space has for many years been amicably negotiated by the three neighbours for these purposes – this will be impossible if it is illegal for most vehicles to park in this space.</p> <p>In recent years, many residents have formed driveways outside their houses (with and without official permission). Along with additional dropped kerbs and the existing disabled parking bays, this leaves very few existing spaces for residents and service vehicles to use.</p> <p>I also object on the grounds that there are already two on-street disabled parking bays in this street, one of which is only approx. 10m away from the proposed one. This, very nearby space is almost never used – it remains empty the vast majority of the time. I believe that an additional space is therefore unnecessary.</p> <p>The proposed disabled bay is situated on a 90 degree bend. There is a problem with excessive speed by drivers passing through Forth Avenue, cars parked on this corner greatly reduce the speed of traffic passing through. If this piece of road is designated a disabled parking space, it will be empty for a significant part of the day, increasing the average speed of traffic and increasing the danger from traffic on what should be a quiet, residential road. I anticipate that this proposed space will be underused, just as the others nearby in the street are.</p> <p>None of my neighbours have approached me to discuss this matter and negotiate reasonable access. I am unaware that any of my neighbours are disabled and own a car. If there were, surely they would be using the existing space. I therefore request that you keep my objection anonymous.</p>

<p>Development Services Response to Objection 1 08 January 2019</p>	<p>I refer to your e-mailed objection of 30 November 2019, to the above traffic regulation order and would advise as follows.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which regulates applications for on-street disabled parking places. 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"> • Applicant must have a valid disabled persons' blue badge. • There must be a vehicle registered to and kept at the applicant's address. • 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 <p>I can advise that in accordance with the 2009 Act, the applicant is considered to be a qualifying person and the proposed disabled space is located at a convenient location for the applicant in accordance with the Act. Disabled persons' parking spaces are marked following a statutory legal process which allows disabled persons' parking places to be legally enforced should any vehicle, failing to display a blue badge, park within the bay.</p> <p>In terms of Section 45(3) of the Road Traffic Act 1984 the effect of locating the disabled space on the public adopted road has been considered and is deemed to be satisfactory bearing in mind the residential nature of the location.</p> <p>I note your comments regarding the use of the existing spaces within the street. I will arrange for surveys of the disabled bays in Forth Avenue to be carried out. Thereafter, should the surveys confirm that any of the disabled bays in Forth Avenue are not being used in accordance with regulations, arrangements will be made for the legal traffic regulation order to be promoted, allowing for removal of the disabled persons' parking place. Until such times as the legal Order is completed both the marking and sign must remain in place and the disabled bay will remain legally enforceable.</p> <p>I note your point with regard to the space being empty for long periods of time allowing drivers the opportunity to drive unrestricted along the street. Forth Avenue is similar in nature to many streets across the Falkirk Council area and it is considered that the</p>
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	<p>geometry of the road will perform a natural calming function.</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 emailing adteam3.ds@falkirk.gov.uk.</p> <p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in the '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>I would advise that should you decide not withdraw your objection a report will be, place, before the Council's Planning Committee requesting this matter to be determined. Any report will note your objections.</p>
Objection 2 (received 14 December 2019)	<p>I would like to formally object to Traffic Order TRODB19095 on the grounds that reasonable access to my property would be restricted.</p> <p>The proposed disabled parking space is directly outside my house and there is no opportunity for off street parking at this address. This means that it would be illegal for any vehicle to park close to my house at times when it is essential.</p> <p>There is already a disabled space a few feet away from the proposed new space which is rarely if ever used. I struggle to imagine which of my two neighbours requires a disabled space as one of them is an elderly non car owner who lives alone, and the other a couple who both work. The leave their house every day and can be clearly seen walking unaided to their cars with ease and sometimes carrying bags. I am aware that some disabilities are hidden but I understood that a dedicated parking space was for mobility issues, apologies if I am mistaken.</p>
Development Services Response to Objection 2 08 January 2019	<p>I refer to your e-mailed objection of 14 December 2019, to the above draft traffic regulation order and would advise as follows.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which regulates applications for on-street disabled parking places. 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"> • Applicant must have a valid disabled persons' blue badge. • There must be a vehicle registered to and kept at the applicant's address. • 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. <p>I can advise that in accordance with the 2009 Act, the applicant is considered to be a qualifying person and the proposed disabled space is located at a convenient location for the applicant in accordance with the Act. A disabled parking place is provided in accordance with the Act for a blue badge holder and not only for a blue badge holder with mobility issues.</p> <p>In terms of Section 45(3) of the Road Traffic Act 1984 the effect of locating the disabled space on the public adopted road has been considered and is deemed to be satisfactory bearing in mind the residential nature of the location.</p> <p>I note your comments regarding the existing spaces within the street. They are currently being surveyed to monitor their use. Thereafter, should the surveys confirm that any of the disabled bays in Forth Avenue are not being used in accordance with regulations, arrangements will be made for the legal traffic regulation order to be promoted, allowing for removal of the disabled persons' parking place. Until such times as the legal Order is completed both the marking and sign must remain in place and the disabled bay will remain legally enforceable.</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 emailing adteam3.ds@falkirk.gov.uk.</p> <p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in the '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>I would advise that should you decide not to withdraw your objection a report will be, placed, before the Council's Planning Committee requesting this matter to be determined. Any report will note your objections.</p>