

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (COW WYND, FALKIRK) (PROHIBITION OF WAITING) ORDER 2015
Meeting: PLANNING COMMITTEE
Date: 27 APRIL 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Falkirk North

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

Community Council: Falkirk Central Community Council

Council Officer: Russell Steedman – Network Co-ordinator

1. INTRODUCTION

- 1.1 This report seeks a decision on The Falkirk Council (Cow Wynd, Falkirk)(Prohibition of Waiting) Order 2015, the purpose of which is to replace a 31 metre long section of existing single yellow line with double yellow lines from outside HiFi Corner to approximately half-way along The Pantry as shown on drawing referenced TRO/15/025/1. 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 person (referred to as "the reporter") 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 Historically, Development Services has received correspondence from members of the public raising concerns regarding parked vehicles on Cow Wynd. More recently an enquiry was received from a resident of Cow Wynd suggesting that parked vehicles were causing a measure of congestion and obstructing the driveway to their property. The parking appears to be by shoppers who may mis-understand the significance of a single yellow line and mistakenly believe that a grace period for parking exists.
- 2.2 Observations indicate that the total length of parked vehicles in this location can, on occasion, cause localised congestion.

3. PROPOSAL

- 3.1 The provision of double yellow line waiting restrictions on Cow Wynd would alleviate congestion by providing a localised passing place on Cow Wynd, thus permitting drivers to pull over and permit approaching cars to pass by.
- 3.2 In accordance with the Local Authorities Traffic Orders (Procedure) (Scotland) Regulations 1999 (“1999 Regulations”), notices of intention were posted on-street and in the local press in the prescribed manner at the end of November 2015.

4. CONSULTATION

- 4.1 Nine objections were received during the objection period and were not withdrawn following explanatory correspondence. A further 4 emails objecting to the Order were received during the objection period, however these emails did not state the grounds on which the objections were being raised. Under the 1999 Regulations, objectors must state the grounds on which their objection is made to allow proper consideration of any issues raised. In view of this, the 4 emails mentioned above are not considered to be valid objections and do not form part of the considerations of this report.
- 4.2 The objections received were from owners and employees of businesses located on Cow Wynd. The basis for the majority of these objections related to concerns regarding an anticipated decrease in customers visiting their premises. Five of the objectors suggested that the double yellow lines would prevent customers loading and unloading or dropping off and picking up passengers. Two objectors advised that they believed drivers misunderstand the meaning of double yellow lines suggesting that this would discourage drivers from loading and unloading. Two objectors advised that they were concerned that the proposals would put their jobs at risk and one objector suggested the proposals would be detrimental to “footfall” on Cow Wynd. Two objectors advised they thought the proposals would prevent deliveries being able to take place.
- 4.3 Development Services responded to the 9 objectors on 11 January 2016 explaining the background to and detailing the effect of the proposed Order.
- 4.4 It was explained that the proposed Order would extend existing double yellow lines that currently terminate outside HiFi Corner to a point approximately half-way down The Pantry frontage and that these lines would replace an existing single yellow line. It was also explained that the existing single yellow line prohibits waiting from Monday to Saturday between 8.45am and 5.30pm.
- 4.5 The objectors were advised that Falkirk Council had received complaints that parking on the single yellow line was generating congestion as a result of motorists misinterpreting that a single yellow line allows parking for a ‘short’ length of time. It was confirmed that the restriction on parking is the same for a single yellow line, during the period it is in effect, as a double yellow line. There is no grace period on parking in terms of the relevant legislation. Objectors were advised that the Order proposes to introduce double yellow lines which are thought to be better understood by motorists as meaning no parking which, if observed, should allow vehicles to pull in and allow on-coming vehicles to pass.

- 4.6 It was acknowledged that the shops on Cow Wynd require vehicles to stop for loading and unloading. The objectors were advised that the proposed Order did not change the loading ability since the loading effect of a single yellow line and a double yellow line are the same. As a result, by removing the vehicles that are parked on the single yellow line and are not loading/unloading there should be better access for shoppers and businesses to stop their vehicles to load and unload at this location.
- 4.7 Finally, it was explained that there appeared to be some confusion about the terminology “prohibition of waiting”. The objectors were advised that prohibition of waiting is the legal term associated with what motorists would commonly call prohibition of parking. Prohibition of waiting does not prohibit loading or unloading of goods/material/people etc.
- 4.8 The objectors were asked to withdraw their objections, if minded to do so, to allow the Order to progress.
- 4.9 None of the objections have been withdrawn.

5. CONCLUSION

- 5.1 The proposed order is considered beneficial in terms of reducing congestion on Cow Wynd.

6. RECOMMENDATION

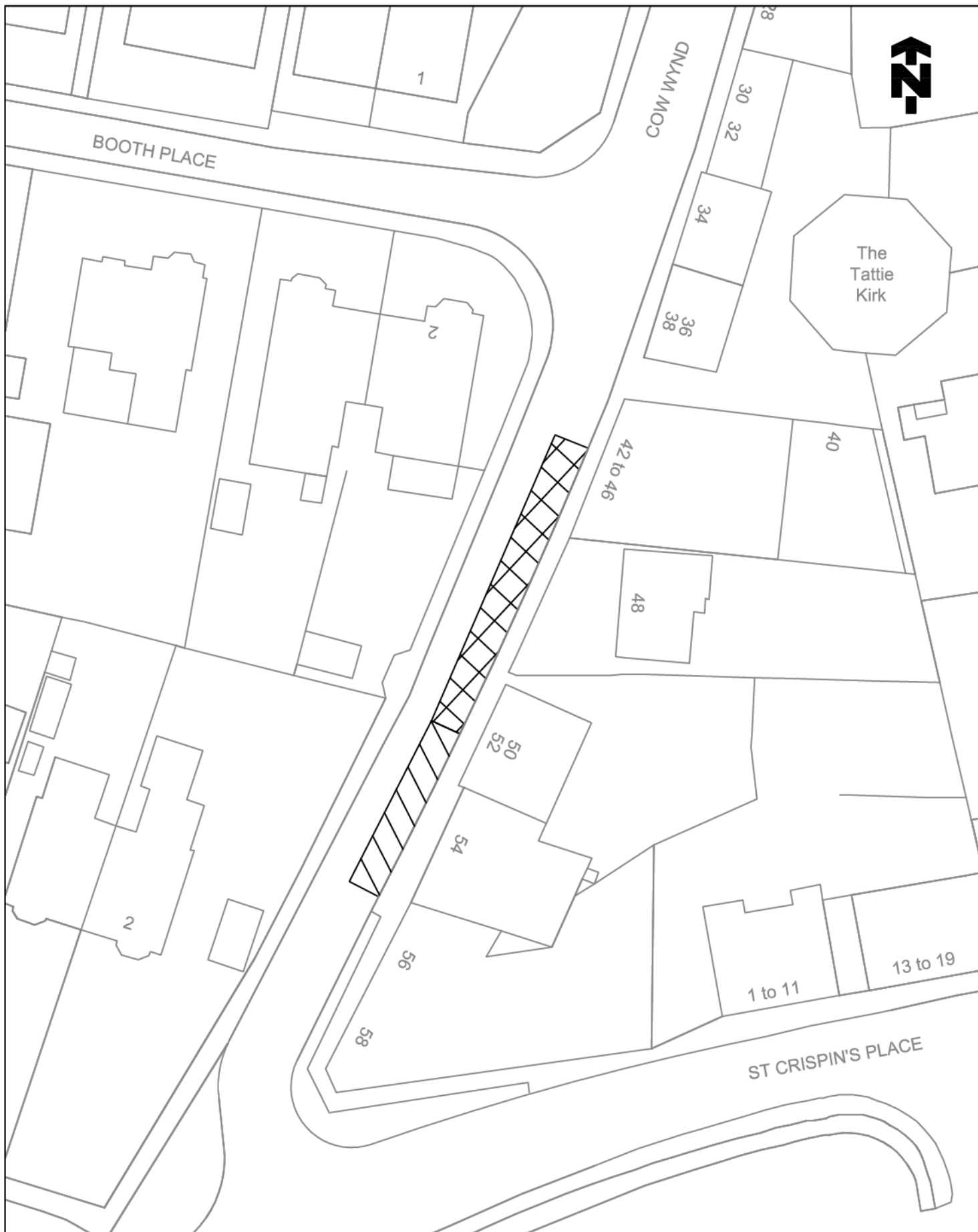
- 6.1 **Members are asked to consider the terms of the report including the objection and determine whether the Order should be made.**

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Director of Development Services
Date: 11 April 2016

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

LIST OF BACKGROUND PAPERS

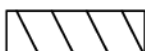
1. The Falkirk Council (Cow Wynd, Falkirk)(Prohibition of Waiting) Order 2015
2. Letters of objection and correspondence



LEGEND



No waiting at any time



No waiting Monday to Saturday inclusive, 8:45am to 5:30pm

TITLE OF ORDER

THE FALKIRK COUNCIL (COW WYND, FALKIRK)
(PROHIBITION OF WAITING) ORDER 2015



Falkirk Council
Development Services (Roads)
Engineering Design
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Falkirk FK2 7YZ
Tel: 01324 504850 Fax: 01324 504850
Director: Rhona Geisler

SCALE

1:500@A4

DRAWN

DEHG

DATE

24/09/15

CHECKED

DS

DATE

24/09/15

APPROVED

RS

DATE

24/09/15

DRAWING NO.

TRO/15/025/1