

The background of the slide features the Falkirk Council Coat of Arms. It consists of a shield divided into four quarters. The top-left quarter shows a saltire (X-shaped cross) on a blue field. The top-right quarter shows a stag's head facing left on a red field. The bottom-left quarter shows a ship on a blue field. The bottom-right quarter shows a lion passant guardant on a red field. Above the shield is a crown with four fleurs-de-lis. Below the shield is a ribbon with the motto 'A'NE FOR A' in white capital letters on a blue background.

Agenda Item

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**The Falkirk Council (On-Street
Parking Space for Disabled
Persons)(No TRO/DB/16/032)
Order 2016 – Ochiltree Terrace,
Camelon**

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS)(No TRO/DB/16/032) ORDER 2016 –
OCHILTREE TERRACE, CAMELON**
Meeting: PLANNING COMMITTEE
Date: 13 September 2017
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Falkirk North (Ward 6)

**Local Members: Councillor David Alexander
Councillor Robert Bissett
Councillor Dennis Goldie
Councillor Cecil Meiklejohn**

Community Council: Inactive

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/16/032) Order 2016, the purpose of which is to reserve a parking space on Ochiltree Terrace, Camelon 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 their house on Ochiltree Terrace. 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 for the bay has agreed that the most convenient location for a proposed disabled bay for them is in the location described in paragraph 2.3 and shown on the attached drawing numbered TRO/DB/16/032.

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 29 September 2016.

4. CONSULTATION

- 4.1 One letter of objection was received on 17 October 2016. The anonymised content of the objection and Development Services' response of 2 November 2016 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.**

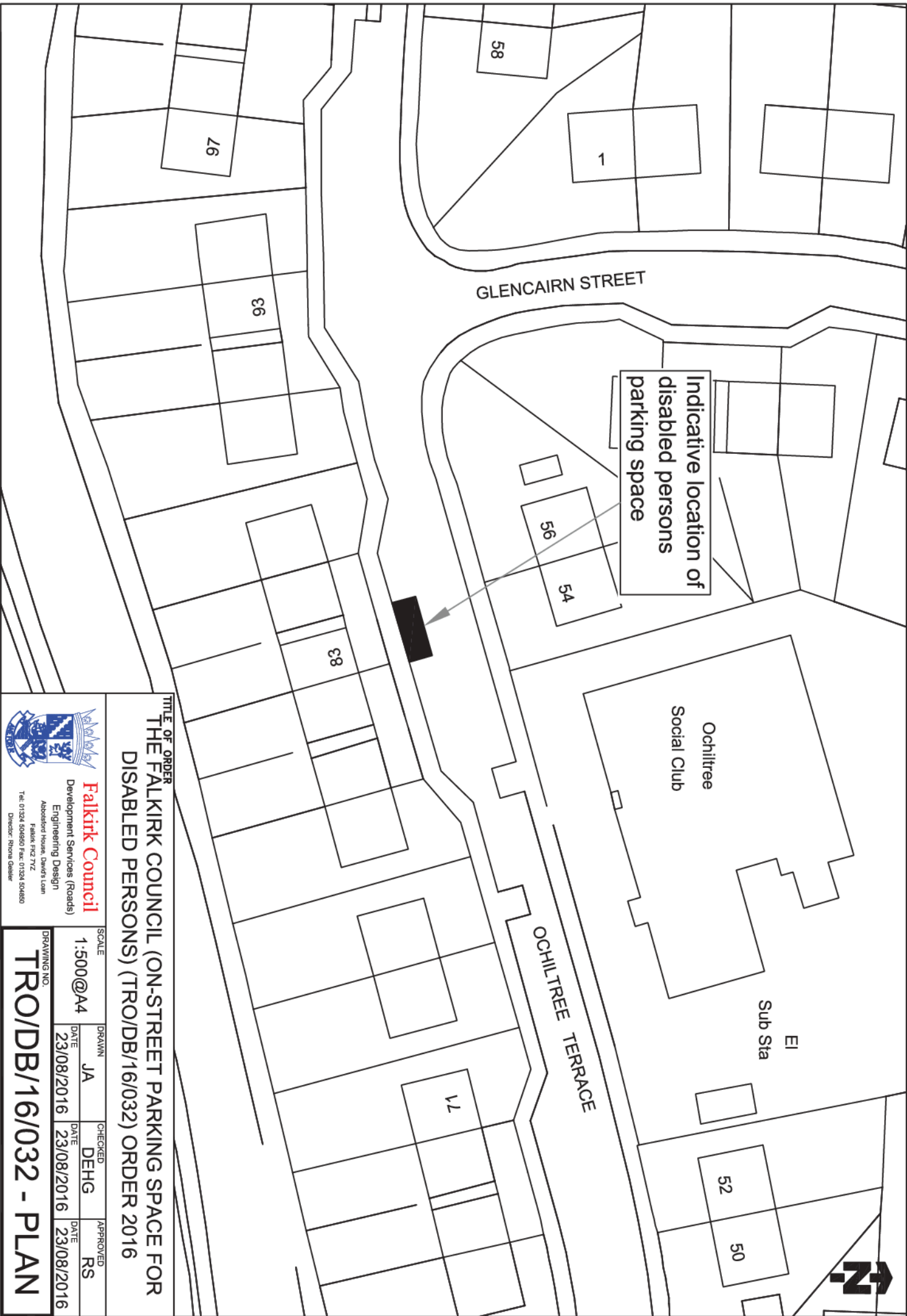
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Director of Development Services
Date: 15 August 2017

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/16/032) Order 2016
2. Letter of objection and correspondence



TITLE OF ORDER
THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS) (TRO/DB/16/032) ORDER 2016



Falkirk Council
Development Services (Roads)
Engineering Design

Abbotsford House, Darnley Loan
FALKIRK FK2 7YZ
TEL: 01324 504650 FAX: 01324 504650
Director: Rhonda Gieseler

SCALE
1:500@A4

| DRAWN | CHECKED | APPROVED |
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| JA | DEHG | RS |
| DATE 23/08/2016 | DATE 23/08/2016 | DATE 23/08/2016 |

DRAWING NO.
TRO/DB/16/032 - PLAN

APPENDIX A

OBJECTION (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

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| <p>Objection 1 (Received 17 October 2017)</p> | <p>I wish to object to the proposed order above as I think it is unnecessary. As it is a short lay-by outside a terraced block, with sensible parking, there is room for all concerned.</p> <p>Many years ago the gardens were cut short to allow a lay-by to be put in to take cars off the road to accom the buses going by, now with this proposal you are going to put car/cars back on the road to the detriment of other large road users e.g buses, bin lorries, + emergency vehicles.</p> <p>I do know that one of the occupants is a blue badge holder as when the advisory space was put in on or around 16th Sept a blue badge was displayed for 1 day and never been shown since, which I think is illegal in its self.</p> <p>As there is a criteria to follow I believe all boxes have not been ticked as on your own form the first question is about walking and I have seen no evidence of walking difficulties by either of the 2 occupants.</p> <p>I must assume the blue badge is for the son as the father has no problem taken the dog for walks or packing up his bike and going mountain biking or walkingover the road with shopping. If the badge is for the son then he is only in the car to go to school and back and not in the car at any other time he too has no problem walking or crossing a road after all they both did this constantly with furniture + boxes when moving in in May.</p> <p>I am not against anyone having a blue badge or a parking space if they deserve it, my own father has a blue badge – partially blind, going deaf and hard of walking without aids to help – does not want a space because he says there are people worse of than him.</p> <p>In conclusion if the parking bay is for the father then I feel it is wrong due the sporting activities he carries out, if its for the son, he is only in the car to be taken to school and back and I feel the blue badge maybe be being used illegally. As the property is private rented accommodation how do you know if this is going to be short term or long term as the occupants have moved for the third time in at least 6 years.</p> <p>This is the only lay-by in Ochiltree Terr. That does not have 'illegal' parking signs – residents only. Problems only occur when people are going to the local club and do not use their car park.</p> <p>It would be much appreciated if you could look into my concerns.</p> <p>P.S. I have not seen any legal notice of intent in the vacinity of the proposed parking bay.</p> |
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| <p>Development Services Response</p> | <p>I refer to your letter of objection dated 17 October 2016, to the above proposed traffic regulation order. I shall address each of your points of objection, in turn, below.</p> <p>I understand that your grounds for objection are as follows, together with my response:</p> <ul style="list-style-type: none"> <p>The proposed location will force car(s) back on to the road to the detriment of other large road users such as buses, bin lorries and emergency vehicles.</p> <p>It is accepted that the introduction of a disabled persons' parking place will alter the volume of vehicles which can be accommodated within the layby outside 79 – 85 Ochiltree Terrace. A disabled persons' parking space is required, by regulations, to be 6.6m long. It is generally recognised that a normal parking space is 6m long. As a result, only 0.6m of parking is lost when compared to the current situation. This is not considered to create a significant issue for other road users. The Disabled Persons' Parking Places Scotland Act 2009 requires a Local Authority to locate a disabled persons' parking place, on receipt of an application by a qualifying person, in a place from which there is convenient access to the applicant's address. The proposed location is convenient for the applicant and is in accordance with the Act.</p> <p>As part of the statutory legal process for creating a traffic regulation order, the emergency services are consulted. I can advise that no adverse representation has been received from the emergency services to this proposed traffic regulation order.</p> <p>The Council's Disabled Persons' Parking Places Application form asks about walking and you have seen no evidence of walking difficulties by either of the 2 occupants.</p> <p>The information requested is not related to the criteria used to assess the application but may be of benefit to the Council when trying to locate a disabled persons' parking place for a qualifying person. In terms of the criteria which must be met, I can advise that the applicant successfully meets those criteria.</p> <p>The occupants of the address, from which the application was made, can walk their dog, mountain bike, carry shopping. Neither occupant of the address has a problem walking or crossing the road as both did so with furniture and boxes when they moved into the property in May.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which makes provisions</p> |
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| <p>Development Services Response (Continued)</p> | <p>for someone to apply for an on-street disabled parking space. The Act defines a qualifying person as follows</p> <p><i>“A ‘qualifying person’ is a person who holds a disabled persons’ badge and whose address –</i></p> <p><i>(a) If the person is an individual, is the same as the registered address of the registered keeper of a vehicle suitable for the carriage of the individual...”</i></p> <p>The applicant for the above noted disabled persons’ parking place satisfies the requirements of the Disabled Persons’ Parking Places (Scotland) Act 2009.</p> <p>Transport Scotland, on behalf of the Scottish Government prepared ‘a guide on applying for a Blue Badge for people in Scotland’. This document can be found on the internet by navigating to https://www.mygov.scot/get-blue-badge/ and selecting the ‘Can I get a blue badge?’ link. Pages 2-8 of this document detail who may be considered a ‘qualifying person’ in terms of the blue badge scheme. It is evident from the attached document that there are various forms of eligibility for a blue badge which are not exclusively physical mobility related.</p> <ul style="list-style-type: none"> • One of the occupants of the address is only in the vehicle to be taken to or from school and you feel the blue badge may be being used illegally. <p>As advised above, the applicant is considered to be a qualifying person in terms of the Disabled Persons;’ Parking Places (Scotland) Act 2009 in so much as they hold a valid disabled persons’ blue badge. The duration spent in a vehicle is not a consideration on the provision of a disabled persons’ parking place in terms of the Act.</p> <ul style="list-style-type: none"> • The property is private rented accommodation so this may be short term. <p>As advised above, the applicant is considered to be a qualifying person in terms of the Disabled Persons;’ Parking Places (Scotland) Act 2009. Ownership of the property is not a consideration on the provision of a disabled persons’ parking place in terms of the Act.</p> <p>In order to allow the legal process of creating a traffic regulation order to continue and the traffic regulation order to be made, either any objection made to the proposed order must be withdrawn or, failing that, a report placed before committee for elected members to consider the objection and determine the outcome.</p> |
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| Development Services Response (Continued) | With the above information in mind, should you be minded to do so, I would respectfully ask that you withdraw your objection to the traffic regulation order by completing and returning the attached form in the reply paid envelope or emailing adteam3.ds@falkirk.gov.uk quoting the above reference. |
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