

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 ship on a blue field. The bottom-left quarter shows a ship on a blue field. The bottom-right quarter shows a ship on a blue field. The shield is surmounted by a crown with four fleurs-de-lis. A ribbon scrolls around the bottom of the shield with the motto 'AINE FOR A'.

AGENDA ITEM

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**The Falkirk Council (On-Street Parking
Space for Disabled Persons)(No TRO/
DB/17/101) Order 2017 –
South Green Drive, Airth**

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/17/101) ORDER 2017 – SOUTH GREEN DRIVE, AIRTH
Meeting: PLANNING COMMITTEE
Date: 30 May 2018
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Carse, Kinnaird & Tryst (Ward 4)

**Local Members: Councillor Gary Bouse
Councillor Joan Coombes
Councillor Jim Flynn
Councillor Laura Murtagh**

Community Council: Airth Parish Community Council

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/17/101) Order 2017, the purpose of which is to reserve a parking space on South Green Drive, Airth 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 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 South Green Drive, Airth, to the western side of their property. 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 witnessed to be parked in during initial site surveys. This location is described in paragraph 2.3 and shown on the attached drawing numbered TRO/DB/17/101/002. The applicant has not made any adverse comments regarding the location and their vehicle is regularly parked in the area identified as a proposed disabled bay. As such, the proposed bay location is considered to be convenient for them.

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 30 November 2017.

4. CONSULTATION

- 4.1 Two letters of objection were received, one dated 14 December 2017, the other dated 19 December 2017. The anonymised content of the objections and Development Services' responses is attached in Appendix A
- 4.2 The objections have 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: 17 May 2018

Contact Officer: Russell Steedman, Network Co-ordinator Tel: 504830
Email: russell.steedman@falkirk.gov.uk

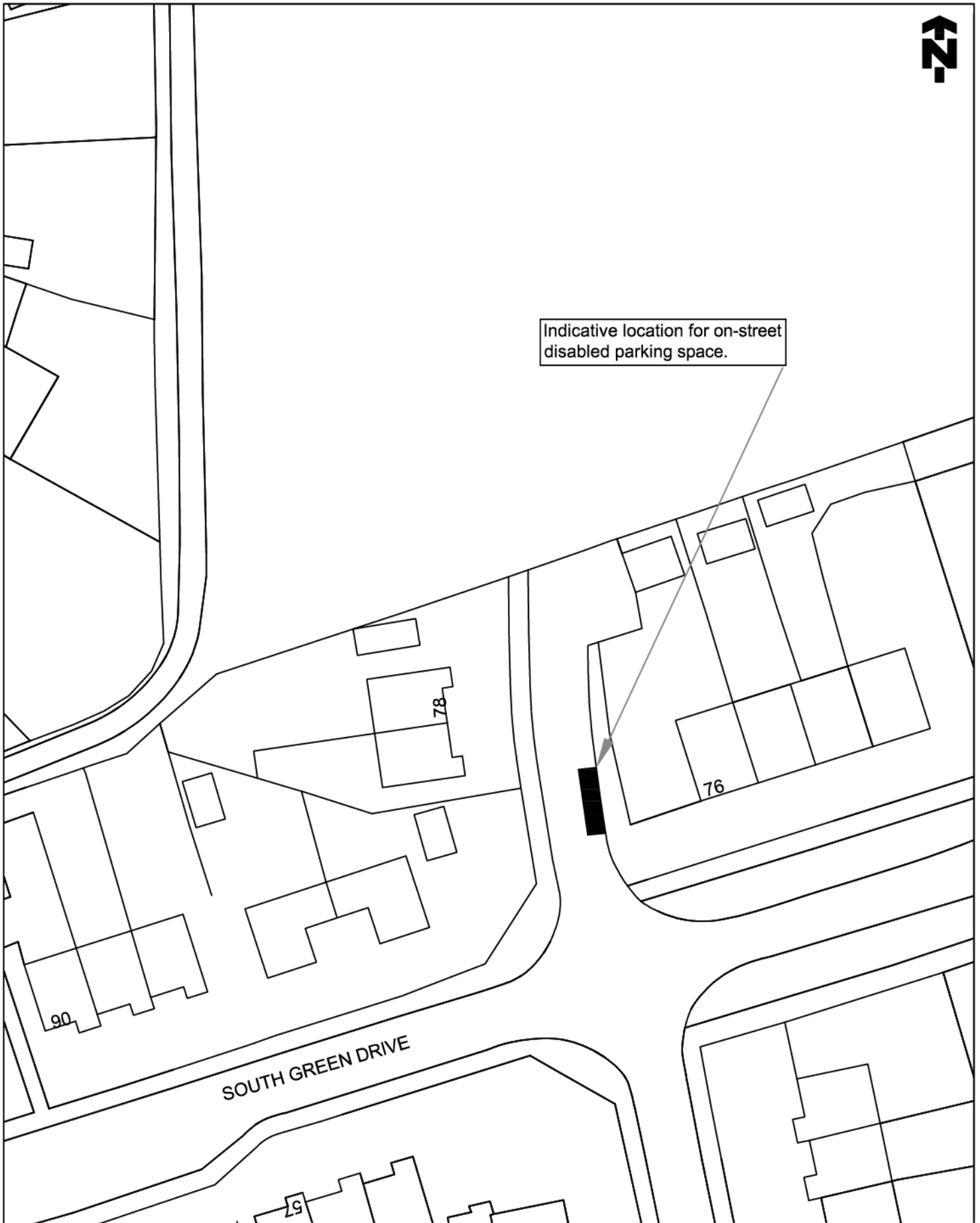
LIST OF BACKGROUND PAPERS


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/17/101) Order 2017
2. Letters of objection and correspondence



Indicative location for on-street disabled parking space.



TITLE OF ORDER			
THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (NO TRO/DB/17/101) ORDER 2017			
	Falkirk Council	SCALE	DRAWN
	Development Services (Roads) Engineering Design Abbotsford House, David's Loan Falkirk FK2 7YZ Tel: 01324 504850 Fax: 01324 504850 Director: Rhona Geisler	1:500@A4	MD
		CHECKED	APPROVED
		JA	RS
		DATE	DATE
		23/10/17	02/11/17
		DATE	DATE
		02/11/17	02/11/17
		DRAWING NO.	
		TRO/DB/17/101/002	

APPENDIX A

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

<p>Objection 1 (received 14 December 2017)</p>	<p>I am emailing with regards to the proposed disabled space at south green drive.</p> <p>I object to this as the residents of no 78 and 80 this is there only access to the property and access can be difficult for the residents and visitors of the residents who live round the corner park here. Surely a disabled space should be at the front of the residents property to give them easier access. There is 3 cars that are parked here and they live at other side. 2 houses 78 and 80 where only access struggle to get in and out and visitors are asked to move.</p>
<p>Development Services Response of 9 March 2018</p>	<p>I refer to your objection received 14 December 2017 to the above proposed traffic regulation order.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which makes provisions for someone to apply for an on-street disabled parking space. 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 applicants 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. The applicant has confirmed that the proposed location is convenient.</p> <p>During the assessment of the application, a site visit was carried out to determine where the applicant parked their vehicle. Over several visits, the applicant's vehicle was observed in the location identified in the draft traffic regulation order. It was noted that there were cars parked on this section of South Green Drive, outside the applicants address. It was also noted that there were cars parked in a driveway located on the opposite side of this section of South Green Drive, on the opposite side of the road from the applicants address.</p>

Development Services Response of 9 March 2018 (continued)	<p>I note your suggestion that a bay is provided to the front of the applicant's property. I can advise that during the initial stages of determining an application for a disabled persons' parking place, a plan indicating the proposed location is sent to the applicant. I can advise that the applicant has not made any adverse comments regarding this proposed location and as such, it is considered that the location is convenient for their access, as required by the Act. In addition, to provide a disabled persons' parking bay to the front of the applicant's property would require access/egress to be taken over a grass verge. This is not considered to be in the best interests of safety for the blue badge holder and as such is not considered appropriate.</p> <p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in '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>In view of the above, I would respectfully ask that you withdraw your objection if you are minded to do so. Should you wish to withdraw your objection you can do so by writing to adteam3.ds@falkirk.gov.uk, quoting TRO\DB\17\101.</p> <p>I would advise that should you decide not to withdraw your objection a report will be placed before the Planning Committee requesting this matter to be determined. Any report will note your comments.</p>
Objection 2 (received 19 December 2017)	<p>With regards to the proposed disabled parking space in South Green Drive Airth.</p> <p>I am strongly objecting to this for the following reasons:</p> <p>This address already has two cars parked opposite number 78 and 80 South Green Drive. This makes it very difficult for parking near my property.</p> <p>Most disabled spaces are at the front of the property. Why is this at the side of the property?</p> <p>Does the disabled person live at this address?</p>
Development Services Response of 9 March 2018	<p>I refer to your objection received 19 December 2017 to the above proposed traffic regulation order.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which makes provisions for someone to apply for an on-street disabled parking space. The Act requires the Local Authority to provide a disabled persons parking place in a</p>

<p>Development Services Response of 9 March 2018 (continued)</p>	<p>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 applicants 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. The applicant has confirmed that the proposed location is convenient.</p> <p>During the assessment of the application, a site visit was carried out to determine where the applicant parked their vehicle. Over several visits, the applicant's vehicle was observed in the location identified in the draft traffic regulation order. It was noted that there were cars parked on this section of South Green Drive, outside the applicants address. It was also noted that there were cars parked in a driveway located on the opposite side of this section of South Green Drive, on the opposite side of the road from the applicants address.</p> <p>I note your suggestion that a bay is provided to the front of the applicant's property. I can advise that during the initial stages of determining an application for a disabled persons' parking place, a plan indicating the proposed location is sent to the applicant. I can advise that the applicant has not made any adverse comments regarding this proposed location and as such, it is considered that the location is convenient for their access, as required by the Act. In addition, to provide a disabled persons' parking bay to the front of the applicant's property would require access/egress to be taken over a grass verge. This is not considered to be in the best interests of safety for the blue badge holder and as such is not considered appropriate.</p> <p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in '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>In view of the above, I would respectfully ask that you withdraw your objection if you are minded to do so. Should you wish to withdraw your objection you can do so by writing to</p>
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