

The background of the page features a large, light blue watermark of the Falkirk Council Coat of Arms. The coat of arms consists of a shield divided into four quarters. The top-left quarter shows a castle tower, the top-right shows a stag's head, the bottom-left shows a ship on water, and the bottom-right shows a lion rampant. Above the shield is a crown with four floral motifs. Below the shield is a banner with the motto 'A'NE FOR A'.

Agenda Item 6

**THE FALKIRK COUNCIL (ON-STREET
PARKING SPACE FOR DISABLED
PERSONS)(No TRO/DB/19/023) ORDER
20__ – STRACHAN STREET, FALKIRK**

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/19/023) ORDER 20__ – STRACHAN STREET, FALKIRK
Meeting: PLANNING COMMITTEE
Date: 23 January 2020
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Falkirk South (Ward 7)

Local Members: Councillor Lorna Binnie
Councillor John Patrick
Councillor Pat Reid

Community Council: Tamfourhill 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/19/023) Order 20__, the purpose of which is to reserve a parking space on Strachan Street, 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 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 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 the front of their property on Strachan Street, Falkirk. 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/19/023/002.

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 06 June 2019.

4. CONSULTATION

- 4.1 Three objections were received in the form of "e-mails" dated 10, 18 and 25th of June 2019. 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 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 objections and determine whether the Order should be made.**

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Director of Development Services

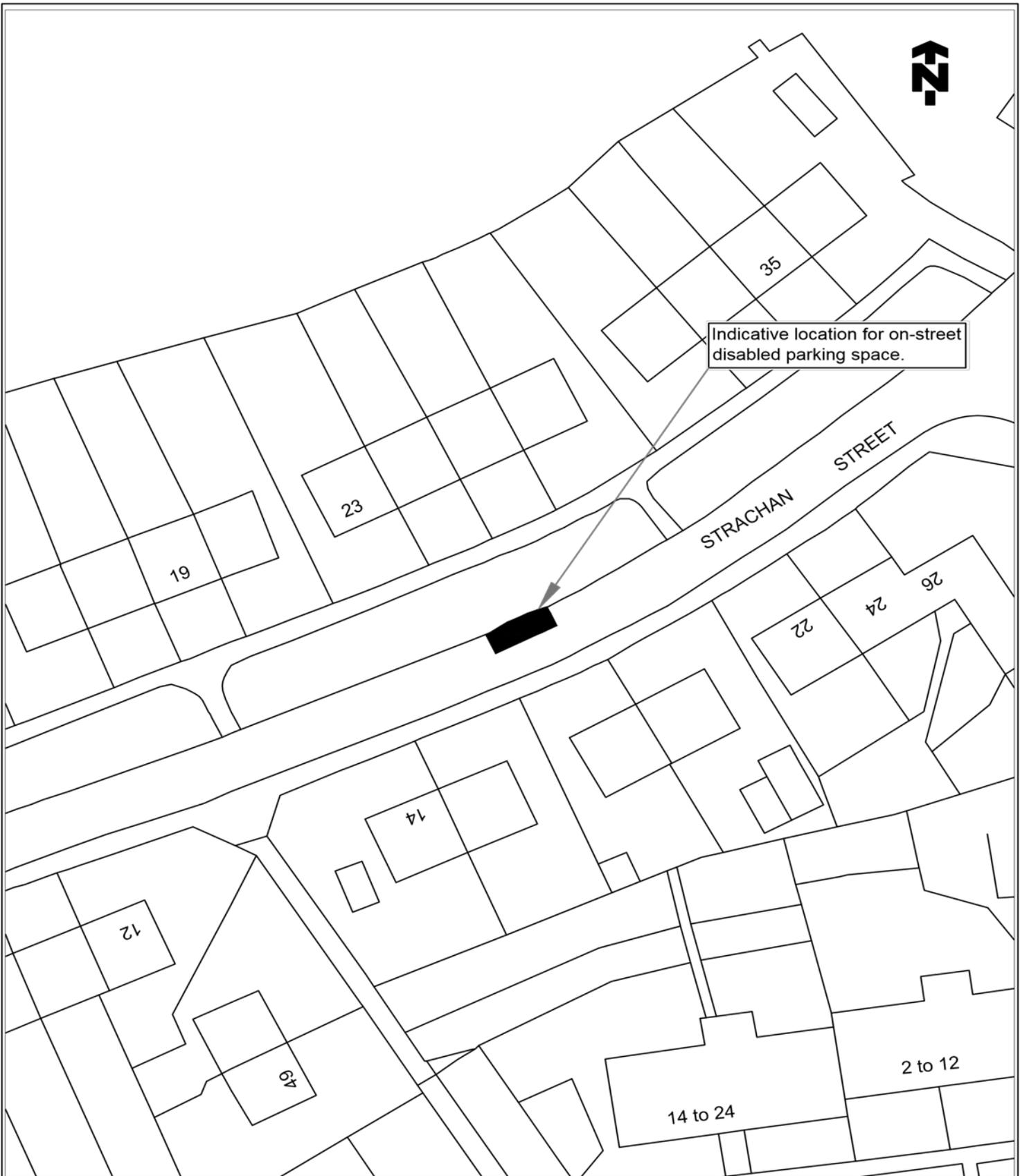
Date: 13 January 2020

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/19/023) Order 20__
2. Letters of objection and correspondence



TITLE OF ORDER

THE FALKIRK COUNCIL (ON_STREET PARKING SPACE FOR DISABLED PERSONS) (NO TRO/DB/19/023) 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

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DRAWN

GJ

DATE

24/04/19

CHECKED

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DATE

22/05/19

APPROVED

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DATE

22/05/19

DRAWING NO.

TRO/DB/19/023/001

APPENDIX A

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

<p>Objection 1 (received 08 June 2019)</p>	<p>Hi, I am writing to object to a fourth disabled parking space being added to Strachan Street. As stated, this would be the fourth parking space as there are already three others in the street. Parking in the street is currently horrendous and this would make it even worse. Feel free to drive down the street in the evening to get a sense of how bad it is.</p> <p>There is also the case of someone in the street who has a garage not 10 metres from the space. Their car is parked in the garage overnight, meaning that there is an empty disabled space in the street at night. This also means however that no one else can park there currently.</p> <p>I hope that you are able to see how bad the situation is in Strachan Street and not put another disabled parking space in the street.</p>
<p>Objection 2 (received 18 June 2019)</p>	<p>Hi, I am writing to you with regards to my objection for a further disabled parking space in the above street.</p> <p>I live in the street and find it very difficult to park my car at night and the weekends. I also have problems when my family and friends come to visit as there are never any spaces available and find they have to walk quite a distance to my house. This can be very annoying especially when you have heavy items and shopping that needs carried to your home.</p> <p>There are currently 3 spaces in the street and I find it difficult to understand why people have a space at the bottom of the street who have the first garage and also the space at the top of the street is used for a 2nd car when the disabled person brings his work van home at night.</p> <p>I have also heard from neighbours that the people who may have applied for the space have dogs which they walk daily and find it hard to comprehend why they would need a space for their car when they can clearly walk some distance.</p>
<p>Objection 3 (received 25 June 2019)</p>	<p>Dear Sir, I have sent you this e-mail to lodge my objection of a further disabled space in Strachan Street, Falkirk. The parking in the street is becoming a nightmare and there are already 3 disabled spaces in the street. This would further limit spaces where people could park. I object to people applying for this so that they get a guaranteed space. There is one space in the street where the people who use it</p>

	<p>have a garage and put their car away in it especially in the winter and bad weather. There are other people in the street who could apply for a badge due to disability and could use the space anyway.</p> <p>I hope you take my objections into account before issuing another bay.</p>
<p>Development Services Response of 2 July 2019 to Objections 1, 2 & 3</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. • The 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 places 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>I note your comments regarding the parking of a vehicle in an existing disabled persons' parking place during the day and that it is moved to a lock-up facility at night together with your concerns about the use of other disabled spaces. I will arrange for surveys of the disabled bays in Strachan Street to be carried out.</p> <p>Thereafter, should the surveys confirm that any of the disabled bays in Strachan Street 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>

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.

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.

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.