

The background of the slide features the Falkirk Council Coat of Arms. It is a shield divided vertically. The left half shows a ship on wavy water. The right half shows a stag's head with antlers. Above the shield is a crown with four fleurs-de-lis. Below the shield is a ribbon with the motto 'AINE FOR A'.

Agenda Item 7

**THE FALKIRK COUNCIL (ON-STREET
PARKING SPACE FOR DISABLED
PERSONS)(No TRO/DB/19/088) ORDER
20__ – PAUL DRIVE, AIRTH**

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/19/088) ORDER 20__ – PAUL DRIVE, AIRTH
Meeting: PLANNING COMMITTEE
Date: 20 May 2020
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Carse, Kinnaird and 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/19/088) Order 20__, the purpose of which is to reserve a parking space on Paul 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 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 Paul Drive, Airth. 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/19/088/001.

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 31 October 2019.

4. CONSULTATION

- 4.1 One objection, signed by twelve signatories, dated 3 November 2019 was received on 13 November 2020. The anonymised content of the objection and Development Services' response is 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 objection and determine whether the Order should be made.**

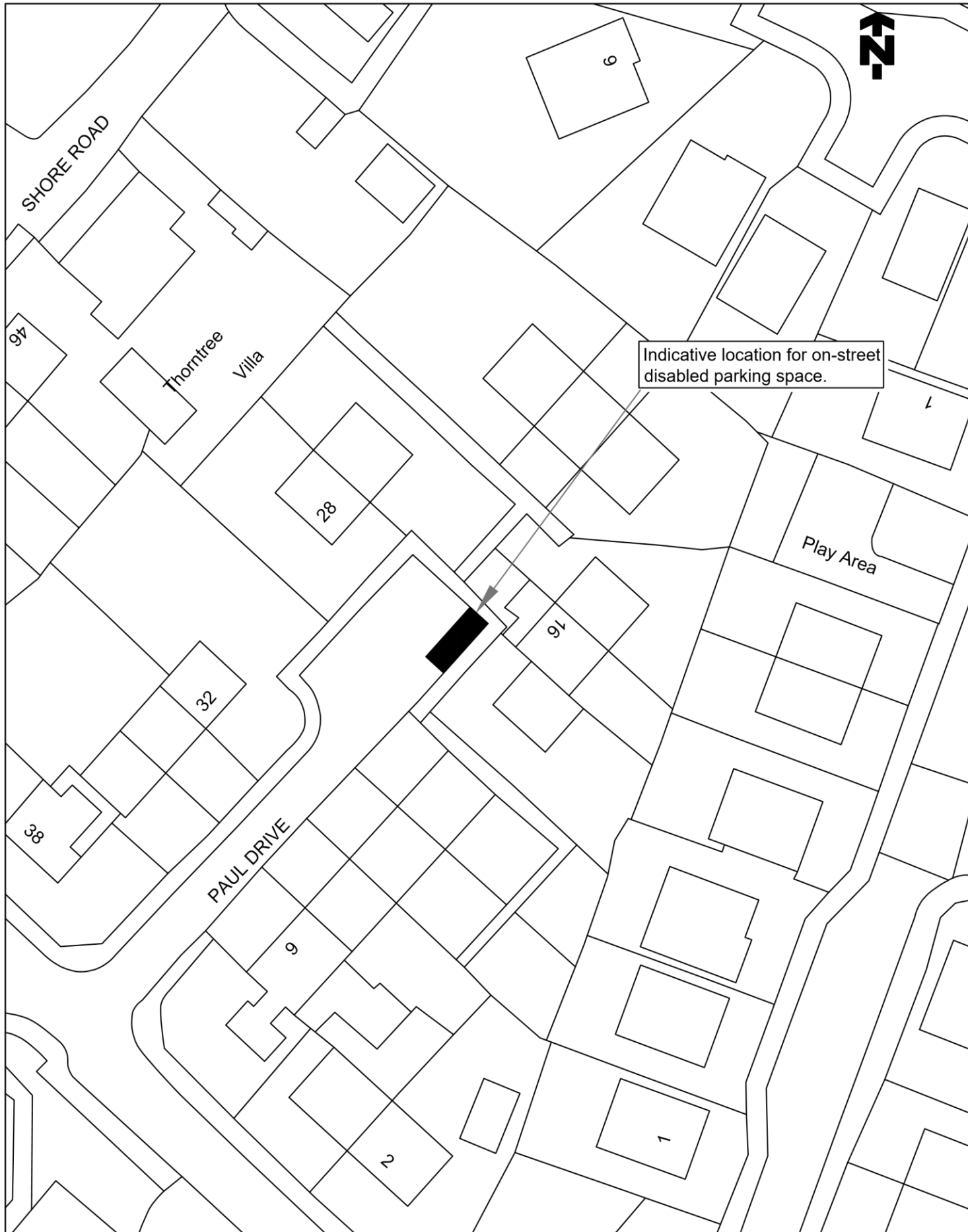
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Director of Development Services
Date: 13 May 2020

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/19/088) 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/19/088) 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

09/10/19

CHECKED

DEHG

DATE

17/10/19

APPROVED

RS

DATE

17/10/19

DRAWING NO.

TRO/DB/19/088/001

APPENDIX A

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

<p>Objection (received 13 November 2019)</p>	<p>To whom it my concern I am writing to contest the disabled parking space that has been approved for number [REDACTED] Paul Drive, Airth, we are the residents within this street and know Mr [REDACTED] is able to walk more than the allowed distance unaided. Mr [REDACTED] is a [REDACTED] year-old man fit and well but claiming he is disabled. Mr [REDACTED] has been seen out in the street pushing a very heavy petrol lawn mower cutting the grass in the main part of the street. Mr [REDACTED] has also been seen Drive his car reg plate [REDACTED] but claims to be registered blind. Mr [REDACTED] also has farm Honda quad bike that he goes out on frequently around Airth.</p>
<p>Development Services Response of 19 November 2019</p>	<p>I refer to your objection of 3 November 2019 to the above draft regulation order and would advise as follows. This was received on 13 November 2019.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which regulates applications for on-street disabled persons' 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. The current application for the proposed disabled persons' parking space in Paul Drive has fulfilled the requirements of the act and the applicant is deemed to be a qualifying person in terms of the act.</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' (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 you 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>