

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 'A'NE FOR A'.

## **Agenda Item 9**

**THE FALKIRK COUNCIL (ON-STREET  
PARKING SPACE FOR DISABLED  
PERSONS)(No TRO/DB/19/082) ORDER  
20\_\_ – MAIN STREET, BONNYBRIDGE**

**FALKIRK COUNCIL**

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR  
DISABLED PERSONS)(No TRO/DB/19/082) ORDER 20\_\_ – MAIN  
STREET, BONNYBRIDGE**  
**Meeting: PLANNING COMMITTEE**  
**Date: 20 May 2020**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Ward: Bonnybridge and Larbert (Ward 5)**

**Local Members: Provost William Buchanan  
Councillor Niall Coleman  
Councillor David Grant**

**Community Council: Bonnybridge 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/19/082) Order 20\_\_, the purpose of which is to reserve a parking space on Main Street, Bonnybridge 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 in the vicinity of the proposed space in the layby on Main Street, Bonnybridge. 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/19/082/001.

### **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 28 November 2019.

### **4. CONSULTATION**

- 4.1 One objection was received dated 2 December 2019. 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.**

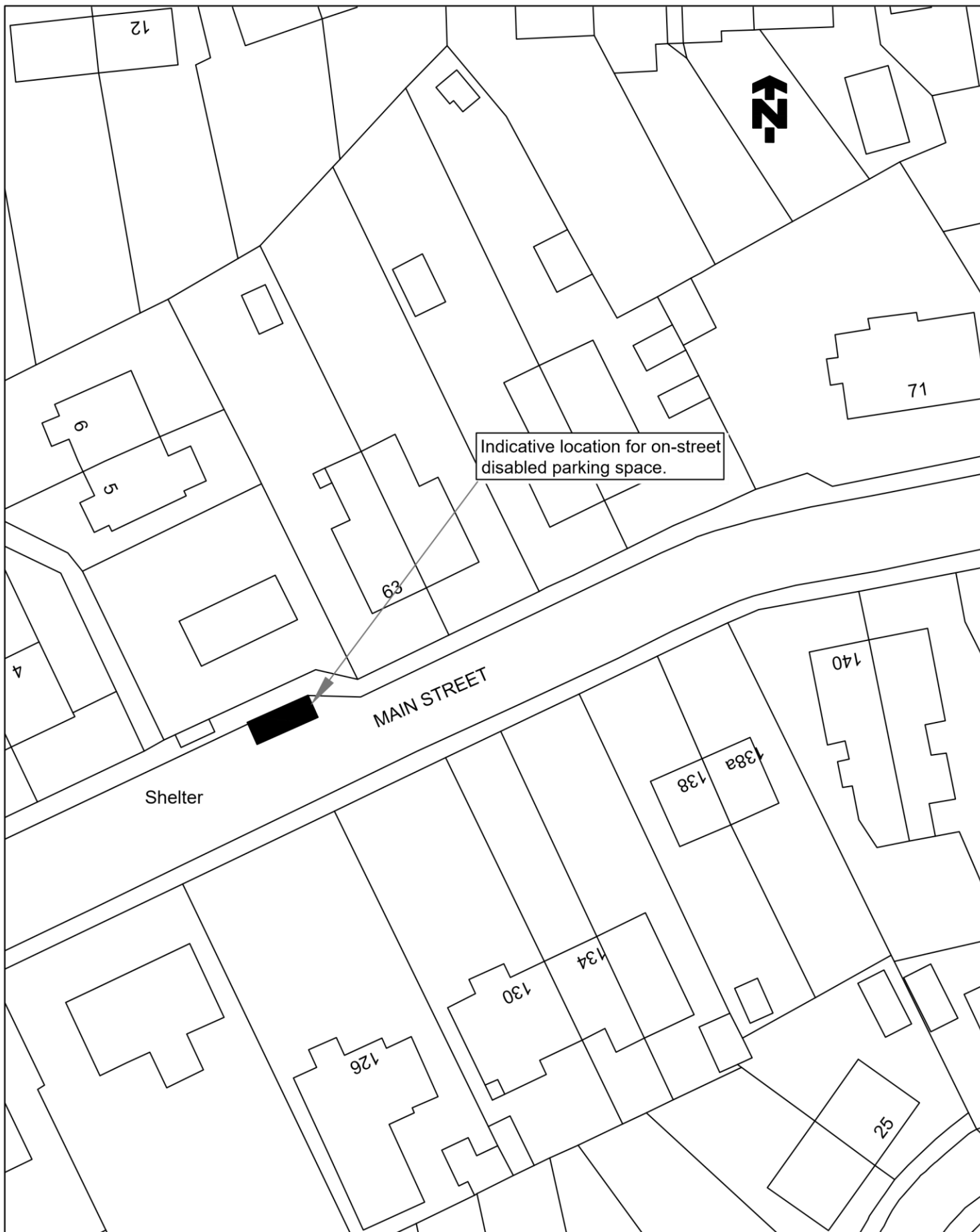
.....  
**Director of Development Services**  
**Date: 13 May 2020**

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/19/082) 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/19/082) 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

**CHECKED**

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**APPROVED**

RS

**DATE**

23/10/19

**DATE**

25/10/19

**DATE**

25/10/19

**DRAWING NO.**

**TRO/DB/19/082/001**



## **APPENDIX A**

### **OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES**

## OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

<p>Objection (received 2 December 2019)</p>	<p>I have no objections to a disabled space in the layby but I do object to one being directly outside of my shop Bonnybridge Gallery, there is space at the south end of the bus stop for 3 cars this would be a much better place. The space that is outside the shop is ideal to squeeze 2 cars into as the parking is a nightmare at the best of times. I have customers and deliveries coming to and from the shop every day between 9.30 am and 5 pm Monday – Saturday. This would have a great impact on my business foot hold and affect me financially as the disabled space would take up the 2 spaces that are there. I was looking to put off street parking at the side of the shop but I can't as the bus stop got put up years ago without even notifying me or my landlord.</p>
<p>Development Services Response of 18 December 2019</p>	<p>I refer to your objection of 02 December 2019 to the draft traffic regulation order and would advise as follows.</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"> <li>• Applicant must have a valid disabled persons' blue badge</li> <li>• There must be a vehicle registered to and kept at the applicant's address.</li> <li>• 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.</li> </ul> <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 on the public road for the applicant in accordance with the Act. There are no proposals to relocate the proposed space to the location you describe. The location you suggest would not be convenient for the applicant.</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 <a href="mailto:adteam.ds@falkirk.gov.uk">adteam.ds@falkirk.gov.uk</a>.</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' Traffic Orders (Procedure)(Scotland) Regulations 1999</p>



	<p>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 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</p>
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