

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 castle tower, the top-right shows a stag's head, the bottom-left shows a ship, and the bottom-right shows a lion. The shield is topped with a crown and a banner at the bottom with the motto 'A'NE FOR A'.

## **Agenda Item 11**

**THE FALKIRK COUNCIL (ON-STREET  
PARKING SPACE FOR DISABLED  
PERSONS)(No TRO/DB/19/093) ORDER  
20\_\_ – LINLITHGOW PLACE,  
STENHOUSEMUIR**

**FALKIRK COUNCIL**

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR  
DISABLED PERSONS)(No TRO/DB/19/093) ORDER 20\_\_ –  
LINLITHGOW PLACE, STENHOUSEMUIR**  
**Meeting: PLANNING COMMITTEE**  
**Date: 20 May 2020**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Ward: Carse, Kinnaird and Tryst (4)**

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

**Community Council: Larbert & Stenhousemuir**

**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/19/093) Order 20\_\_, the purpose of which is to reserve a parking space on Linlithgow Place, Stenhousemuir for disabled persons. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee, 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 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 in the vicinity of their property on Linlithgow Place, Stenhousemuir. 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/19/093/001.

### **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 30 January 2020.

### **4. CONSULTATION**

- 4.1 One objection was received on 3 February 2020. Development Services response was sent on 21 February 2020. The anonymised content of the objection and Development Services' response is attached in Appendix A. The objector has confirmed they do not wish to withdraw their objection.

### **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 remaining objection and determine whether the Order should be made.**

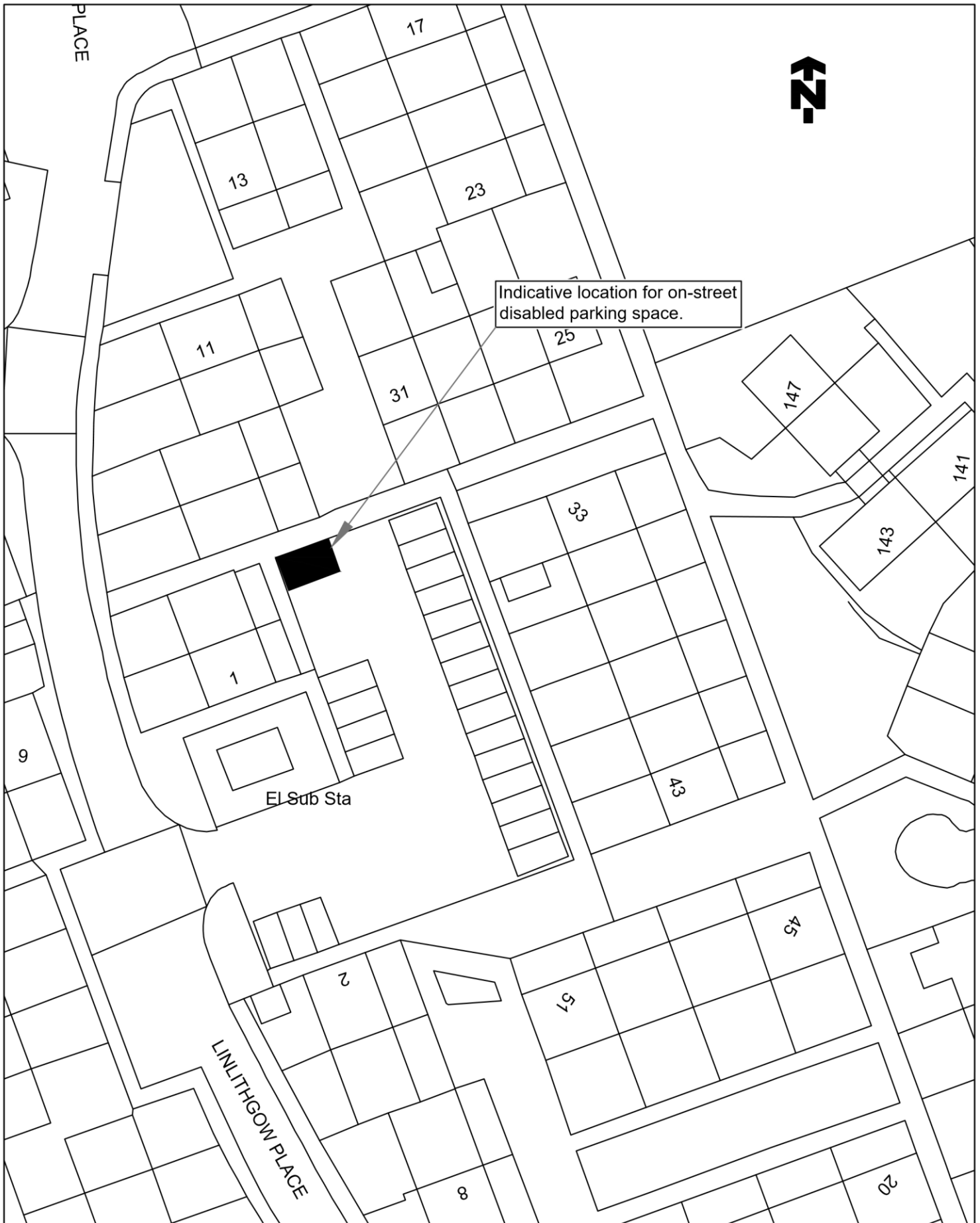
.....  
**Director of Development Services**  
**Date: 13 May 2020**

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/19/093) 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/19/093) 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

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**APPROVED**

RS

**DATE**

23/10/19

**DATE**

25/10/19

**DATE**

25/10/19

**DRAWING NO.**

**TRO/DB/19/093/001**

## **APPENDIX A**

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

## OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

|   |   |
|---|---|
| <p>Objection<br/>(received 3<br/>February<br/>2020)</p> | <p>As detailed both online and on your publicly displayed notice at Linlithgow Place Stenhousemuir I wish to register an objection to the recently installed disabled parking space. Obviously I believe this is a waste of my time but it is my right to object. It is increasingly clear in today's society that individuals who claim some kind of minority discrimination increasingly are given more advantages than the majority masses.</p> <p>I am fully expecting to have some kind of response response which details the disability discrimination act, road traffic act, local council bylaws et cetera none of which I require to be informed of, as I have already read up on them.</p> <p>My issue is that this parking space has been created with a measurement which is 1 ½ times the size of the average car. Parking is already difficult around this housing area and by creating this size of parking space instead of five cars being able to park with care in the parking bay, there is now only space for four. There is no reason why on this particular occasion it requires to be this size.</p> <p>However I am fully prepared for yet again a response which states that this is some kind of legal requirement in order to ensure adequate free space around the vehicle to allow ingress and egress with disabled aids, for example wheelchair. The individual that is going to be using the space, a small child, has none of these and only requires the space to be as close to the home as possible as obviously they are claiming they cannot walk an extra hundred feet.</p> <p>If this space had been required to be marked out on a public road in front of the property it would obviously not have been 1 ½ times a car size because it would then have impacted on passing traffic and would've had free movement even when a car was parked. Given that it abuts the corner of pavement and the individuals can park neatly against the pavement then on the other side they do not necessarily need this huge free space.</p> <p>I am therefore requesting that this space be resized, not that it be removed but adjust it sufficiently that it would then allow us to continue to have five cars parked in this area.</p> |
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|  |  |
|--|--|
| <p>Development Services Response to Objection (21 February 2020)</p> | <p>I refer to your e-mailed objection of 3 February 2020, to the above draft 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. The current application for the proposed disabled person parking space in Linlithgow Place has fulfilled the requirements of the act and the applicant is deemed to be a qualifying person.</p> <p>The proposed line markings and road signing require to comply with The Traffic Signs Regulations and General Directions 2016. This standard applies to all on-street disabled persons parking spaces. The minimum width for a disabled space at right angles to the kerb is 3.6m. The space is marked at 3.6 metres to comply with the national standard as previously mentioned.</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:adteam3.ds@falkirk.gov.uk">adteam3.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 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> |
|  |  |