

The background of the slide features the Falkirk Council Coat of Arms. It is a shield divided vertically. The left half shows a sailing ship on wavy lines representing 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 9

**THE FALKIRK COUNCIL (ON-STREET
PARKING SPACE FOR DISABLED
PERSONS)(VARIOUS STREETS NO 4)
ORDER 20__**

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS)(VARIOUS STREETS NO 4) ORDER 20__**
Meeting: PLANNING COMMITTEE
Date: 28 JUNE 2022
Author: DIRECTOR OF PLACE SERVICES

Ward: Falkirk South (Ward 7)

**Local Members: Councillor Lorna Binnie
Councillor Sarah Patrick
Councillor Euan Stainbank**

Community Council: Camelon, Bantaskine & Tamfourhill

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)(Various Streets No 4) 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 27 January 2022.

4. CONSULTATION

- 4.1 Three separate objections were received in the form of e-mails dated 27 January 2022, 01 February 2022 and 03 February 2022. The anonymised content of the objections, Development Services' responses and drawing number TRO/DB/21/064/3 showing the disabled persons parking bays in the street are attached in Appendix A
- 4.2 The objection dated 01 February 2022 was withdrawn by email dated 11 March 2022. The remaining 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.**

pp.....

Director of Place Services

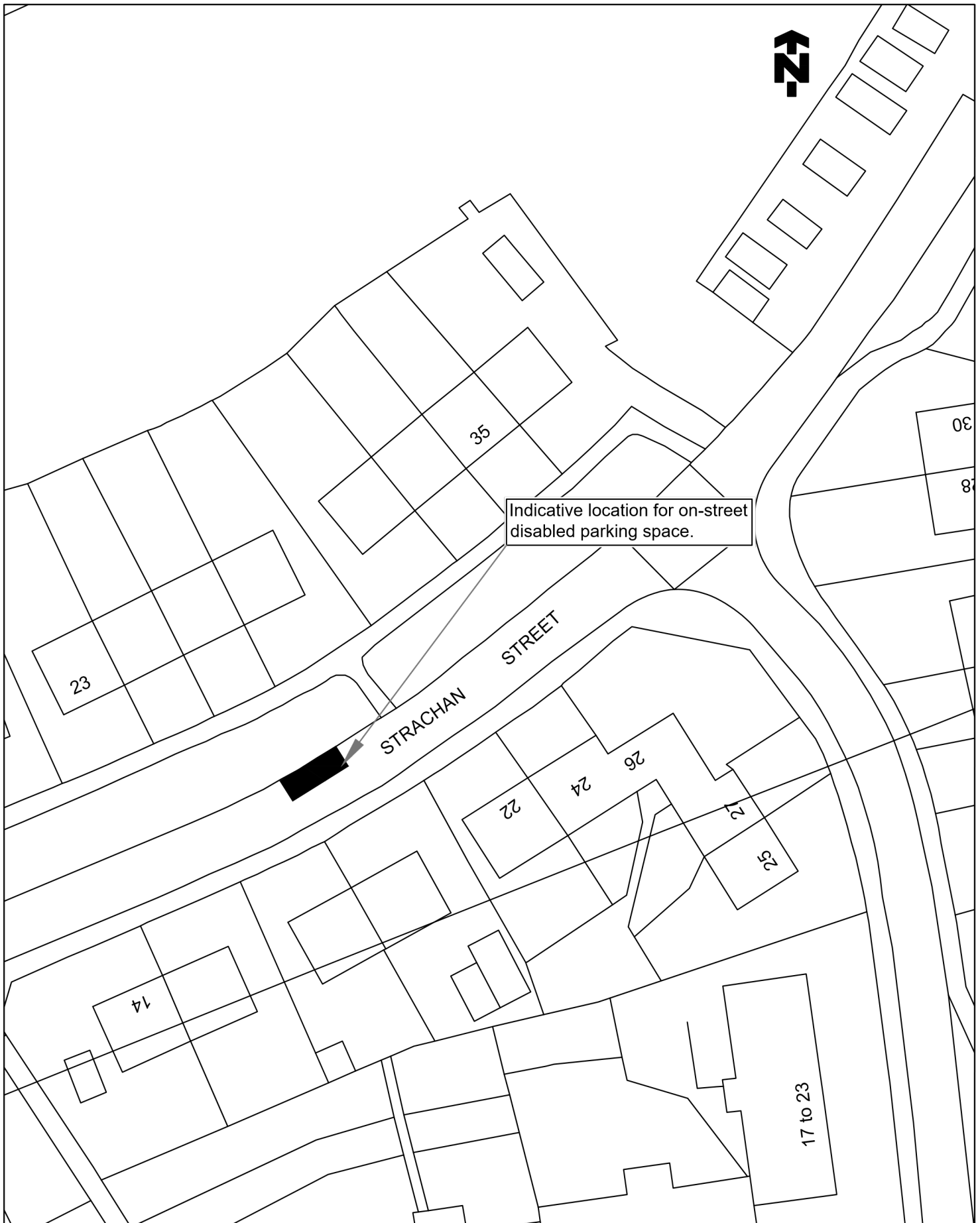
Date: 01 June 2022

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)(Various Streets) 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)(VARIOUS STREETS NO 4) ORDER 2021



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

CHECKED

DEHG

APPROVED

RS

DATE

24/09/21

DATE

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DATE

24/09/21

DRAWING NO.

TRO/DB/21/064/002

APPENDIX A

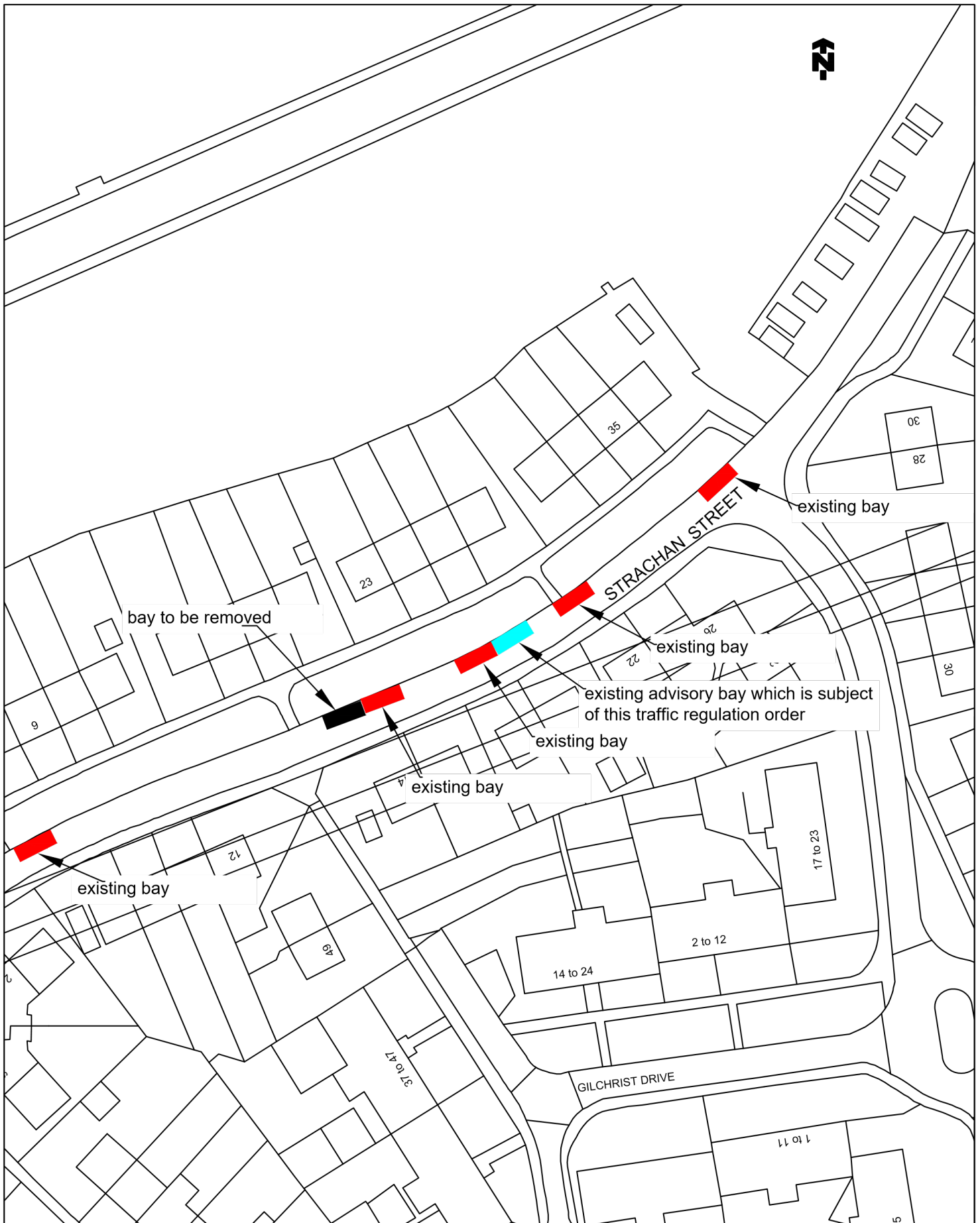
OBJECTIONS (ANONYMISED) AND PLACE SERVICES RESPONSES

OBJECTIONS (ANONYMISED) AND PLACE SERVICES RESPONSE

<p>Objection 1 (received 27 January 2022)</p>	<p>Morning.</p> <p>I stay at ■ Strachan Street Falkirk and see that an application for yet another disabled parking has been made for 21 strachan street. The lady home owner does not drive and stays on her own. Currently we already have 6 disabled parking spaces already in the street. Is there a limit to the amount of allocated spaces for disabled parking.</p> <p>I am a home owner and currently the parking in this street is horrendous, leading me to have to park elsewhere after returning from work on an evening which I feel is unacceptable. Some days cars are parked on the other side of the road which would cause an obstruction should any emergency services need access to our street.</p> <p>I am objecting to this decision, If you wish to see how bad parking is perhaps pay a visit to the street after 5.30pm. As a resident I feel the parking situation needs reviewed and perhaps new planning for parking be put in place, after all there is scope to improve parking .</p>
<p>Objection 2 (received 01 February 2022)</p>	<p>With many thanks for your reply.</p> <p>The house in question has no drivers living their & therefore no car. I object to yet another disabled space in the street as there is no car of the person living at said address to be parked daily ?? And if this is the case it means every person in Strachan Street with a disabled badge, would be entitled to a space, even if they had no car ??? It doesn't make sense.</p> <p>Do you ask for proof of a registered vehicle at that address ??</p> <p>Parking in our street is terrible at the best of times. Perhaps it's the overall parking that needs to be looked into.</p> <p>I would be grateful for a reply.</p>
<p>Objection 3 (received 03 February 2022)</p>	<p>Strachan Street Falkirk</p> <p>I am writing to object to another Disabled Parking Space in Strachan Street. It's clearly obvious that people are obtaining these spaces to get a guaranteed space in the street.</p>

	<p>There are now 7 spaces in the street and the parking in the evening and the weekends is a nightmare for residents and also visitors home helps and district nurses An Ambulance couldn't get parked either and it blocked the street for over an hour which isn't the fault of the Driver he had to get to his patient.</p> <p>There are a 3 spaces where people work and do shifts so the spaces could be used by others before they return.</p> <p>There is a space at the bottom of the street where the people have a garage and out there car in it over night so how does this help the rest of the residents when they can't get parked.</p> <p>There is also a space which hasn't been removed but the people's car has been given up so can we use this space or not.</p> <p>These complaints need to be addressed before deciding if it merits another disabled space and also the people who paint them need to plan out where it should be correctly positioned as there is not enough room for 2 cars at one of the areas and people don't park responsibly and think about others.</p> <p>I have also seen folk put traffic cones out in order for there space to be kept which is potentially a Police matter I await your response from this objection</p>
<p>Place Services Response to Objections 1, 2 & 3</p>	<p>I refer to your e-mailed objection of 27 January, 01 and 03 February 2022, to the above draft traffic regulation order and would advise as follows.</p> <p>All applications for disabled persons' parking places are considered under the terms of the Disabled Persons' Parking Places Scotland Act (2009) and the Road Traffic Regulation Act 1984. Currently, there are 5 enforceable disabled persons parking bays covered by a traffic regulation order within the street. These are coloured red on the attached plan. The Act does not specify a maximum number of disabled persons parking bays that can be provided within a street.</p> <p>A survey was carried out to ensure that the disabled persons parking bays were being used by blue badge holders. This resulted in one bay having a traffic regulation order promoted to remove the space. This is coloured black on the attached plan. An instruction has been issued to remove the lining together with the pole and sign.</p> <p>There is one bay that is currently an advisory bay which is the subject of the order currently being promoted. This is</p>

	<p>coloured blue on the attached plan. As part of the disabled persons parking place application, the applicant is required to provide a copy of the V5 Vehicle Registration Document of the vehicle that is registered to their address. This was provided for this application.</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>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. The report will note your objections.</p> <p>Alternatively, in view of the above, you may wish to withdraw your objection. Should you wish to withdraw your objection you can do so in writing by emailing adteam3.ds@falkirk.gov.uk.</p>
Objection 2 withdrawal received 11 March 2022	<p>With many thanks for your reply. I wish to remove my objection, after your plan has been clearly explained.</p> <p>With many thanks</p>



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TITLE OF ORDER

DISABLED PERSONS PARKING BAYS, STRACHAN STREET,
 FALKIRK

LOCATION



Falkirk Council
 Development Services (Roads)
 Engineering Design
 Abbotsford House, David's Loan
 Falkirk FK2 7YZ
 Tel: 01324 504950 Fax: 01324 504850
 Acting Director: Douglas Duff

SCALE
 1:500@A4

DRAWN
 GJ
 DATE
 17/02/22

CHECKED
 DG
 DATE
 17/02/22

APPROVED
 RS
 DATE
 17/02/22



DRAWING NO.

TRO/DB/21/064/003