

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR
DISABLED PERSONS) (No 571) ORDER 2010**
Meeting: PLANNING COMMITTEE
Date: 25 August 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 This report seeks a decision on The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No 571) Order 2010, the purpose of which is to reserve a parking space in Duncan Avenue, Carronshore 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the order.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 party appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider the report and recommendation of the Reporter 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 displays a Blue Badge on their vehicle may park in the bay.
- 2.3 An application for a disabled person's parking space was received from a resident of Main Street, Carronshore.
- 2.4 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 of Main Street and Duncan Avenue, Carronshore identified that the applicant's vehicle was generally parked in Duncan Avenue, Carronshore and would be suitable for allocating a parking place. In terms of road safety and congestion, there are no issues which would prevent a disabled bay being provided in this area of carriageway.

- 2.5 The applicant for the bay has asserted that the most convenient location of a proposed disabled bay for them is in Duncan Avenue as indicated on the attached plan drg number CR/001.
- 2.6 There are 2 other disabled persons' parking places within a 90 metre radius of Duncan Avenue. One space is currently being revoked as it is no longer used in line with current legislation. Attached plan drg number CR/001 indicates their locations.

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 instigated.
- 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 in April 2010.

4. CONSULTATION

- 4.1 Several objections were received, and have not been withdrawn following explanatory correspondence. 20 matching objections dated 27 April 2010 were received from residents of Duncan Avenue, Carronshore.
- 4.2 The basis of the objections received was that the provision of a disabled parking space as proposed in the traffic regulation order would have road safety implications for residents accessing and egressing Duncan Avenue. Objectors also perceive the space to be encouraging non-residents to park in their street.
- 4.3 The objectors state that the location of the advisory disabled persons' parking space exacerbates congestion around the junction between Duncan Avenue and Main Street.
- 4.4 Development Services responded on 14 May 2010 explaining the criteria for the provision of disabled persons' parking places and that there are no road safety concerns for the space as proposed.
- 4.5 20 objectors maintained their objection via matching letters dated 25 May 2010. Hence, a Committee decision is required in accordance with para 1.1.
- 4.6 Central Scotland Police have attended the location and advised that they have no adverse road safety concerns regarding the location of the proposed disabled persons' parking space.

5.0 CONCLUSION

- 5.1 The purpose of Falkirk Council's policy and of this particular Order is to provide a parking space for a disabled person who meets the requirement of impaired mobility and has difficulties parking near their house.
- 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.

6.0 RECOMMENDATIONS

- 6.1 Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.**

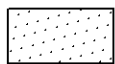
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Director of Development Services

Date: 18th August 2010

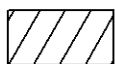
Contact Officer: Russell Steedman, Network Co-ordinator Tel: Ext 4830



DISABLED PERSONS' PARKING PLACE



PROPOSED DISABLED PERSONS' PARKING PLACE



DISABLED PERSONS' PARKING PLACE CURRENTLY BEING REVOKED

PROJECT

Disabled Persons' Parking Places

DRAWING

Space Locations

SCALE

1:1000@A4

DRAWN

JA

DATE

12/08/2010

CHECKED

RS

DATE

12/08/2010

APPROVED

RS

DATE

12/08/2010

DRAWING NO.

CR/001



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LIST OF BACKGROUND PAPERS

1. The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No 571) Order 2010
2. Consultation responses
3. Letters of objection and correspondence