

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS) (No TRO/DB/016) ORDER 2011**
Meeting: PLANNING COMMITTEE
Date: 2 November 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 This report seeks a decision on The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/016) Order 2011, the purpose of which is to reserve a parking space in Annan Court, Hallglen 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 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 their house in Annan Court. In terms of road safety and congestion, there are no issues which would prevent a disabled bay being provided in this area of carriageway.
- 2.4 The applicant for the bay has confirmed that the most convenient location of a proposed disabled bay for them is outside their house in Annan Court as indicated on the attached drawing numbered CR/001.

- 2.5 An application for a disabled person's parking space on Annan Court was received previously from a resident of the street. The associated Traffic Regulation Order received objections from residents of Annan Court. The Planning Committee meeting of 29 January 2009, following consideration of the objections and a continuance from the previous Regulatory committee meeting to allow a plan to be submitted, agreed to make the Order.

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 in June 2011.

4. CONSULTATION

- 4.1 Two letters of objection were received, and have not been withdrawn following explanatory correspondence. Both objections were made by residents in Annan Court.
- 4.2 The objections are based on 2 separate issues:
- the first issue related to there already being 3 disabled persons parking bays in Annan court
 - the second issue related to the number of commercial vehicles parked in Annan Court overnight and at weekends. The implication of these objections is that in an area with a high demand for parking, it is considered that providing another disabled persons parking bay will further limit the available parking for other residents.
- 4.3 Development Services responded to the objectors on 12 August 2011 explaining the criteria for the provision of disabled persons' parking places and that the applicant fully meets the criteria.
- 4.4 Objectors were asked to formally withdraw their objections.
- 4.5 Both objections have not been withdrawn and hence a Committee decision is required in accordance with paragraph 1.1.

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. 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.

6.0 RECOMMENDATION

- 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: 25th October, 2011

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LIST OF BACKGROUND PAPERS

1. The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/016) Order 2011
2. Letters of objection and correspondence