

**FALKIRK COUNCIL**

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR  
DISABLED PERSONS)(No TRO/DB/12/053) ORDER 2012 – KEIR  
HARDIE AVENUE, LAURIESTON**  
**Meeting: PLANNING COMMITTEE**  
**Date: 1 May 2013**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Ward: Lower Braes**

**Local Members: Councillor Steven Jackson  
Councillor Malcolm Nicol  
Councillor Alan Nimmo**

**Community Council: Lower Braes 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/12/053) Order 2012, the purpose of which is to reserve a parking space on Keir Hardie Avenue, Laurieston for disabled persons. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 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 Places (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 of the site determined that the applicant's vehicle was generally parked on Keir Hardie Avenue outside their house. 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 agreed that the most convenient location for a proposed disabled bay for them is outside their house on Keir Hardie Avenue as indicated on the attached drawing numbered CR/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 in June 2012.

### **4. CONSULTATION**

- 4.1 One letter of objection was received from a resident of Keir Hardie Avenue, and has not been withdrawn following explanatory correspondence.
- 4.2 The objection was based on 3 separate points:
- the first point of objection suggested that the proposed location for the disabled persons parking bay was too close to a corner and would therefore be dangerous for other drivers.
  - the second point of objection suggested that the provision of a disabled persons parking bay would cause disruption for other residents.
  - the third point of objection suggested that the applicant had a lockup which the applicant used thus leaving the disabled bay empty overnight.
- 4.3 Development Services responded to the objector on 16 November 2012 explaining the criteria for the provision of disabled person's parking places and advising that the applicant fully meets the criteria. The particular points of objection were addressed as follows:
- with respect to the proximity of the disabled bay to a corner, it was explained that the proposed location for the bay was approximately 15 metres from the corner and that this distance was considered adequate and did not raise road safety concerns.
  - the objector was advised that, although the disabled persons parking bay was marked in response to an application by an individual, any person who owns a Blue Badge and displays it on a vehicle can park in the bay. Furthermore it was explained that, in the event that a vehicle was parked in the bay without displaying a Blue Badge, the former Central Scotland Police (now Police Scotland) could take enforcement action as they deemed appropriate.
  - following receipt of the objection, the application was reviewed. The review included monitoring the use of the advisory disabled bay marked in response to the application and as required by the Disabled Persons' Parking Places (Scotland) Act

2009. The review confirmed that a vehicle kept by the household was parked in the disabled bay overnight. The lockup was used to garage another vehicle owned by the household.

- 4.4 The objector was asked to formally withdraw their objection, if minded to do so.
- 4.5 The objection has not been withdrawn and hence a Committee decision is required in accordance with paragraph 1.1.

## **5. 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. 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: 16 April 2013**

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

### **LIST OF BACKGROUND PAPERS**

1. The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/12/053) Order 2012
2. Letter of objection and correspondence