

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS)(No TRO/DB/12/048) ORDER 2012 – ANNAN
COURT, HALLGLEN**
Meeting: PLANNING COMMITTEE
Date: 25 June 2013
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Falkirk South

**Local Members: Depute Provost John Patrick
Councillor Colin Chalmers
Councillor Dennis Goldie
Councillor Gerry Goldie**

Community Council: Falkirk South 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/12/048) Order 2012, the purpose of which is to reserve a parking space on Annan Court, Hallglen 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 Annan Court 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 Annan Court 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. The objection period ended on 15 November 2012.

4. CONSULTATION

- 4.1 Five letters of objection were received during the objection period from residents of Annan Court, and have not been withdrawn following explanatory correspondence.
- 4.2 The first objection was based on 3 issues:
- the first issue related to there already being 4 disabled persons parking bays in Annan Court.
 - the second issue related to the size of the bay compared to those disabled bays already marked within Annan Court.
 - the third issue questioned the level of disability of the applicant..
- 4.3 The second objection related to the size of the bay. The objector also questioned the level of disability of the applicant.
- 4.4 The third objection related to the size of the bay. The objector also questioned the level of disability of the applicant.
- 4.5 The fourth objection was based on 2 issues:
- the first issue related to the fact that the disabled bay was marked prior to the Notice being posted on site.
 - the second issue related to the size of the bay.

4.6 The fifth objection was based on 5 issues:

- the first issue related to the size of the bay.
- the second issue commented on the manner in which the applicant was parking their vehicle within the bay.
- the third issue questioned the level of disability of the applicant.
- the fourth issue commented that it was feasible that there would be calls for the older disabled bays to be widened.
- the fifth issue asked whether any Blue Badge holder was permitted to park in the disabled bay.

4.7 Development Services responded to the objectors on 20 December 2012 in general terms explaining the criteria for the provision of disabled person's parking places. The 2009 Act permits applications to be made by persons' that hold a Blue Badge – the level of disability is not assessed as part of the application. It was also explained that although an on-street disabled bay is marked in response to an individual's application, any person that has a Blue Badge and displays it on their vehicle can park in the bay. The majority of the objectors had questioned the width of the new disabled bay. It was explained that disabled bays are marked in accordance with national regulations – these regulations specify the permitted size of a disabled bay. It was acknowledged that there were several older disabled bays in Annan Court of a smaller size. The objectors were advised that there were no proposals to proactively widen these bays.

4.8 In relation to the issue of when the bay was marked mentioned in the fourth objection, the objector was advised that in terms of the 2009 Act, local authorities are required to mark an advisory disabled bay as soon as practicable after the statutory procedure is commenced. If the Order is not made the advisory bay must be removed.

4.9 When the applicant became aware there were objections, they submitted a letter on 8 February 2013 explaining the background to why they had applied for a disabled bay.

4.10 The objectors were asked to formally withdraw their objection, if minded to do so.

4.11 The objections have 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: 13 June 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 explanatory correspondence
3. Letter from applicant