

## SPSO decision report

**Case:** 201304053, Aberdeen City Council  
**Sector:** local government  
**Subject:** parking  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained about the council's handling of a planning application. The planning consent required the developer to fund the creation and operation of a controlled parking zone (CPZ). Mr C said that residents within the CPZ were told during a public consultation that they would receive free parking permits because of the disruption caused by the increased commuter traffic from the development. However, ten years later the council introduced charges for these permits, and said that the initial arrangement with the developer only covered the ten year period. Residents' permits were at first free of charge as the costs were covered by the developer. However, once the ten year agreement came to an end, those costs had to be recovered from the residents.

Although there was clearly an understanding on the part of residents that the parking permits would be provided free of charge indefinitely, we found no evidence of this promise having been made. The evidence indicated that the council's primary concern during the planning process was to secure funding for the new CPZ through a legal agreement with the developer. We took independent advice from our planning adviser, who considered that it would have been inappropriate to attach a longer timescale than ten years to the agreement, and so we did not consider it unreasonable for the council to seek to recover costs after this period expired. We found that the traffic regulation order that introduced the CPZ, and that was publicised at the time, included a warning that the council reserved the right to introduce charges in the future. Mr C also raised concerns about the method the council used to introduce the charges. However, we found that his dispute with them about this was based upon a legal interpretation on which we could not comment.

Mr C made additional complaints about the council's consultation with residents about a proposed extension to the CPZ and the fact that they allowed the development to be occupied before the CPZ was extended, contrary to a planning condition. We were satisfied that the council consulted with affected residents and noted that this led to a change in their position on the extension. Based on advice from our planning adviser, we were also satisfied that it was reasonable to allow the development to be occupied in the circumstances.