

## SPSO decision report

**Case:** 201400817, Aberdeen City Council  
**Sector:** local government  
**Subject:** parking  
**Outcome:** not upheld, no recommendations

### Summary

Planning consent granted in 2002 required a developer to fund the creation and operation of a controlled parking zone (CPZ) in the area, and at first residents were given free parking permits. When, some ten years later, the council then started to charge residents for their permits, Mr C complained. He said that before the CPZ began to operate residents were told during a public consultation that they would receive free parking permits as a result of the disruption caused by the increased commuter traffic resulting from the development. The council explained that the initial arrangement with the developer only covered a ten year period. Residents' permits were at first free as the costs associated with the CPZ were covered by the developer. However, once the ten year agreement came to an end, those costs had to be recovered from residents.

There was clearly an understanding on the part of residents that the parking permits would be provided free of charge indefinitely. However, we found no evidence of such a promise having been made. The available 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 the ten year period expired. We found that the traffic regulation order that introduced the CPZ and was publicised at the time included a warning that the council reserved the right to introduce charges if necessary 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.