

ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise, Planning and Infrastructure
DATE	31 May, 2010
DIRECTOR	Director of Corporate Governance
TITLE OF REPORT	The Aberdeen City Council (Old Aberdeen, Sunnybank, Tillydrone and Seaton) (On-Street Parking Places, Waiting Restrictions and Associated Traffic Management) Order 2010
REPORT NUMBER	CG/10/066

1. PURPOSE OF REPORT

This report deals with objections received after the statutory advertisement of an order to provide for controlled parking in and around the King's College campus, where the University of Aberdeen is building a new library to replace the existing Queen Mother Library.

2. RECOMMENDATION

That the objections be overruled where not cured by adjustment – the *first and second* appendices hereto comprise notes and plans indicating the adjustments being recommended – and that the traffic order be made and implemented as originally envisaged.

3. FINANCIAL IMPLICATIONS

The University of Aberdeen is providing £600,000 to Aberdeen City Council to fund the implementation of this zone. The *estimated* cost of the implementation plan now stands at £535,000. In terms of the legal agreement, the Council would be obliged to return the £65,000 surplus to the University, although there are grounds for caution about whether that estimate holds true. It is based on current market forces, and on the tender return for the recent Zone X order.

The tender for that order was much lower than expected, but not too much reliance should be placed on that. Another factor that will affect the final cost of the Old Aberdeen zone is the *extent* of the area affected. In the event that the Committee were to excise any part or parts of it, the cost would alter. Also, a scheme of this nature always has unknown factors that can only be identified once work commences on site.

I say all of this because of the idea that the projected surplus might be made the subject of negotiations to use it to subsidise a honeymoon period to ease in permit charges more gently. I discuss this idea in paragraphs 18 – 22. Under present circumstances, there is simply no funding available to subsidise cheaper (or free) permits.

4. SERVICE & COMMUNITY IMPACT

Section 6 below contains extensive discussion of the ways in which this proposal will have a considerable impact on a number of communities.

5. OTHER IMPLICATIONS

There are no other implications worthy of being identified in the abstract here, although, again, section 6 will rehearse a wide range of concerns raised by objectors.

6. REPORT

Background

1. It is commonly said that the new university library is the cause of the new parking proposals, and it is certainly true that the promotion of the current order is a planning condition vis-à-vis the permission granted for the new building. However there have been discussions about modernising parking controls in this part of the city for some time now.
2. In particular, many residents have been asking for new controls to avert parking pressure caused by students' cars. Also, the University has already changed its own (private) off-street parking arrangements, with further alterations in the pipeline, and this has forced more cars into surrounding streets (in particular, the Seaton and Sunnybank areas).
3. Finally, the existing Old Aberdeen residential parking system has been in need of overhaul for many years now. This system pre-dates the emergence of pay and display in the eighties, and indeed goes back to the late sixties. It was restated in traffic orders in the seventies and mid-eighties, but it has always been a fairly rudimentary system where no money changed hands and where abuse was frequently suspected. Having said that, the common assumption was probably that the scheme muddled through, and there were few complaints about it. Nevertheless, from time to time, elected members over the years would ask why there was a very different – and much more informal – system in operation in one part of the city, and the answer was always that it was a historical quirk, and an anachronism.

4. Accordingly, the momentum towards a revised system in and around Old Aberdeen existed before the University obtained planning permission to build its new library, but, as I have already acknowledged, the present traffic order is a planning condition vis-à-vis that development, and the University is funding the implementation of the new controlled parking area to the tune of £600,000.

Meetings with objectors

5. In the usual way, all the statutory objectors were given the opportunity to set up appointments with the roads and legal officials to discuss their objections in an informal way behind the scenes.
6. These meetings were particularly successful, even though there were obviously some strong divergences of opinion at stake.
7. The third appendix to this report is in the authorship of the roads officials, and offers technical commentary on all the distinctive themes to be found in the objections. The original letters of objection are not attached, but are available for inspection. The first and second appendices present recommended adjustments.
8. The present part of the report is concerned with reflections on the objectors' meetings. Straight from the outset, these meetings yielded one recurring theme; namely, if the controlled parking zone could be larger than it is at the moment, have 24 hour application, and offer free residential permits, there would be little resistance to it.
9. Of course this is a broad-brush remark. Some criticism would remain about the limitation of two permits per household, and the availability of only a single non-car-specific permit. For the avoidance of doubt, the permit charges of £80 for the first permit and £120 for the second one are indeed charges for "firstness" and "secondness"; that is to say, the higher charge is *not* for the flexibility of a non-car-specific option but simply for the taking out of a second permit. Someone who wants to hold only a single permit can go straight for the flexible one at £80.
10. Although there is always some scepticism that the need for a zone is being overstated, I think it would be fair to say that our experience in this case is that local people generally agree that more stringent parking rules on university property - combined with the expected impact of the new library - *will* cause increased pressures where noticeable difficulties already exist.

24-hour application?

11. Again, in the course of the informal talks, I was increasingly inclined to play with the question "what if the zone had 24 hour application, was a bit larger, and had 24 hour application?". I cannot recall an outright rejection of the idea.

12. Unpacking the separate elements of this, and leaving the question of permit charges aside in the meantime, several objectors – most notably, Old Aberdeen Community Council – emphasised that for some residents in this area the most intense parking difficulties occurred in the evenings, precisely when the new zone will not apply. For residents in those areas, the criticism is that they feel they will need to buy parking permits to see them through the exigencies of daytime parking requirements, but that, for the considerable expenditure at stake, they will receive no help in respect of their most pressing difficulties.
13. However there are other residents who say they have no evening problem *and think they can cope with the daytime one*, and so see evening controls as the only factor that would force them into buying permits.
14. This conveys the complexity of these schemes, and the difficulties encountered by both elected members and officials in trying to judge what the best public policy might look like in a situation where local people may quite understandably want completely different things.
15. These questions also open up value judgements in other parts of the city, since many existing zones also attract criticism from people saying that the operational hours are such that they are left unassisted in their times of greatest difficulty (but trapped into buying permits to cover for daytime movements which they say they do not find difficult). This criticism will be averted if current proposals for extended evening operational hours in the central zones go ahead (see separate report elsewhere on this agenda).
16. Also, the idea of moving to 24 hour operation would entail the complete readvertisement of the zone and a re-examination of the costs attendant upon it. The local members, and the Committee in general, are better placed than I am to understand that conflicting interests in the area, including the interests of those living on streets not included within it, and so I would simply say at this point that the 24 hour suggestion is intellectually respectable but altogether messier than its proponents may have appreciated at the outset.
17. Inevitably, a common riposte was that the difficulty of 24 hour application disappears if you have free permits.

The agreement with the University

18. However, it is quite simply the case that the university is providing £600,000 for the implementation of this zone, and that that sum was not intended to subsidise or eliminate permit charges, whether for a honeymoon period or even in perpetuity. A somewhat extended honeymoon period for the Foresterhill area ended a year ago, although a similar period continues at Garthdee. The scale and impact of the Foresterhill and Garthdee developments were both much larger, with a completely new campus being established at Garthdee. The sense of completely new presences causing completely new impacts was much more vivid in those cases.

19. Although the Robert Gordon University has never directly subsidised the current arrangements (in the sense of replacing the supposed revenue which permit charges would otherwise have generated) they *have* subsidised the administration of the zone in a much broader way - not least by funding an extra post of parking attendant. Because of this very satisfactory agreement, the will presumably existed to relinquish whatever revenue might have accrued as a result of imposing permit charges, charges which, had they been introduced, would have been much lower back in 2003 (and would have generated much lower income).
20. In any case, although there is immediate appeal in the idea of a honeymoon period to ease in new permit charges more gently, such a course of action only postpones the fateful day when the standard charging levels have to be restored. Also, people tend to resent the good fortune of others – in most controlled zones in the city, the option of a honeymoon period has never been available.
21. Also, a honeymoon period involving permits that are absolutely free will simply encourage some people to take up the option of non-car-specific permits to sell to non-residents.
22. Finally, although it is a well-established principle that traffic orders can be made without re-advertisement if they are to be altered in terms of a diminution in stringency, and although the temporary reduction or removal of permit charges would clearly reduce the stringency of this traffic order vis-à-vis its most trenchant critics, non-residents with an interest in parking in this area may take the view that the order was actually fairer in its original form. Again, though, as things stand, the funding to subsidise cheaper (or free) permits is simply not there.

Literary tourism?

23. The new library will be very attractive and the University of Aberdeen holds out hope that it will be of considerable appeal to people outwith the academic community. As was discussed on a number of occasions during our informal talks with objectors, the existing Queen Mother Library is by no means full of academic texts and journals, but few people outside the academic community are aware of this.
24. In fact, the building has a wide selection of literature that would be of interest to any bookish person or keen library-user. Accordingly, I have undertaken to a number of objectors to say in this report that the appeal of the new library may extend beyond academic circles – especially given that it will be an attractive new building with a coffee shop, etc. – and that some of the parking intrusion in the area may eventually be caused by “literary tourism” from other parts of the city.

Students

25. Moving to a separate theme, quite a few people have speculated that the existing on-street pay and display charges (35p for 30 minutes, 75p for an

hour, £1.50 for 2 hours and £2.30 for the maximum period of 3 hours) could actually be quite attractive to some students in some situations. In particular, £1.50 for 2 hours covers a lecture and a cup of coffee. The charge might not be a deterrent if the cup of coffee is likely to be more expensive.

26. I think the point is a serious one, but there are two reasons to imagine that this effect will not actually occur. First of all, if students find the parking options acceptable (or even attractive) in themselves, they would still need to have some expectation that the spaces in question would be available, and that seems unlikely. Also, the Students Association came in for one of the informal meetings, and, in the course of that, the representatives of the Association expressed doubt that there would be many students who would see the new parking options as an opportunity rather than a deterrent. Nevertheless, the Students Association representatives were of the view that perhaps certain areas of pay and display parking might be altered to provide for parking over a six-hour period rather than the advertised three.

Sunnybank Primary School

27. On a different theme altogether, we met with teachers from Sunnybank Primary School who expressed concern that the significant recent expansion and development of the school had been such that the teachers merited special consideration.
28. However the Council has heard of this kind of thing in the past, and has not previously believed that one of its own schools could adduce a trump card that would allow a special case to be made without begging questions about the virtues of many other cases. Nevertheless, a deputation is expected, and members may feel that a compelling case has been made.
29. I may say in passing that the George Street controlled parking area was approved with a liberalised provision for garages parking customers' cars on surrounding streets – this was justified by the definitional nature of a business that was bound to entail the presence of customers' vehicles – and, although officers at that time expressed concern about the objective accountability of moving in this direction, the initiative was eventually taken and it has to be admitted that no great harm has come of it. Accordingly, the officials are open minded about special cases as long as the distinctiveness of the case is easy to adduce.

Other possible concessions

30. On the other hand, the suggestion that the high incidence of vulnerable people (Tillydrone is a deprivation area and there are many elderly people both there and in Seaton) should attract reduced prices (or none at all) would be a difficult value judgement to open up in this context, and one which the Council declined to explore when similar arguments were advanced at the time of introducing permit charges for the first time in the Foresterhill zone.

31. A limited number of special permits are already in circulation for the likes of midwives and district nurses. Carers (by which term should be understood voluntary care) do *not* have access to parking permits but I think it is fair to say that exploration of this issue a few years ago suggested that representative groups in Aberdeen recognised the difficulty of entering this territory, and were reticent about the inevitable extent to which they themselves would have to share the burden of regulating any new arrangements made.
32. A different theme altogether emerged – understandably – in respect of the conservation area status of this particularly attractive part of the city, and it is important to say that the roads officials have worked hard to keep street clutter to an absolute minimum. Also, where yellow lines are necessary, they will be both thinner and paler than ordinarily seen (this is a statutory possibility) and pay and display machines will be situated at a minimum level, determined only by the need to be sure that penalty charge notices could not be resisted by complaints about there having been no machine immediately obvious at the location in question.

Off-street car parking?

33. Moving on to something which arose at a number of the meetings, it is of course suggested by many objectors that the University is causing this problem and that the planning condition associated with their development ought to have been the construction of a major new overground or underground car park. However, it is necessary to bear in mind how extraordinarily expensive that solution would have been. An underground construction would almost certainly have been judged disproportionate, both in terms of infrastructural difficulty and costs. An overground construction would have raised enormous questions of visual intrusion – and again costs – but, quite separately, supporters of off-street car parks need to remember that all the cars in them have to get to them and then get away from them. That is to say, the cars using such a facility have to travel every day to Old Aberdeen and then later in the day leave Old Aberdeen, *all of them using the existing road network*.
34. Finally, there is the well-known notion that new roads and car parks fill up quickly by releasing latent desire to travel by car, desire that may have been dormant up to that point. Whatever differing views there may be on this, a major off-street facility is not a green solution.
35. The commentary prepared by my roads colleagues touches on all these matters, and picks up on smaller-scale points of detail which objectors have raised. Suggested (minor) adjustments are shown on the plans comprising the *second* appendix hereto. Putting all of that together with my observations here, the question arises: is the case made for the implementation of this zone, or have the objectors demonstrated that it would be in the public interest to abandon, alter or defer the proposals?

Delay implementation?

36. Interestingly, the University has confirmed that it would not resist any proposal to delay the implementation of the controlled parking area until the new library was operational, if this were to be a sympathetic response to the concern of local people. Unfortunately, the idea is difficult to recommend. There is a time bar vis-à-vis the traffic order which means that it has to be operational within two years of its statutory advertisement, and it is inevitable that the order will have to be made before the library is operational.
37. Also, although the statutory opportunity does exist for holding off a little, it is hardly good practice to implement an order more than a year after the public debate on it. Clearly, completely new prospective objectors can appear onstage in the intervening period, and be aggrieved that the consultation opportunity came so long ago. Again, although the opportunity for deferred implementation does exist, it is likely to be construed critically by some people even if welcomed by others.
38. In particular, as has already been emphasised, there are some streets in the zone where residents would like to see parking controls as soon as possible. School Drive, School Avenue, Regent Walk, Hermitage Avenue, Orchard Street, Wingate Road and Wingate Place would all be in that category. There is also the possibility of increased costs emerging since contractors' prices have a tendency to rise year-on-year.

STAR petition

39. I should say in passing that mention of residential desire for parking controls in the above-named streets compels me to mention that the petition received from STAR – Seaton Taking Action for Regeneration – expressed opposition to the entire idea of a zone, and featured a significant number of signatories from School Drive and School Avenue. However, in the course of our meeting with STAR, it was acknowledged that those signatories would almost certainly continue to support the controlled parking area, and be opposed only to permit charges.

Right arguments, wrong time?

40. Any recommendation that the order be made and implemented is bound to be tempered by awareness that there is real and understandable ill-feeling in the area about the need to pay for permits, the need to pay much higher prices for those permits than would have been the case just over a year ago, and the need to pay those prices because the University is growing in line with its aspirations but (so objectors might say) failing to take seriously the aspirations of its residential neighbours in surrounding streets.
41. In particular, some objectors have suggested that, when the planning process was conducted, and the new zone made a condition of planning permission, the scale of local feeling about *parking* issues in particular was not canvassed or rehearsed, and that the “solution” of a controlled parking

zone was allowed to pass without substantive public input. That input is now forthcoming, but some objectors think that resistance has been left marooned with the right arguments at the wrong time.

Conclusion

42. All of that is understandable, although some of it depends on the notion that planning permission should have been conditional upon an entirely different solution to parking and traffic problems, which need not be a telling hypothesis. The planning process in this case was conducted completely correctly and properly, and, as is entirely familiar, one of the conditions was the promotion of a controlled parking area which now looks to represent good public policy in a situation where other solutions are thinkable but not realistic. Accordingly, I would suggest that the implementation of the zone (except for the adjustments shown in the plans in the second appendix) is objectively accountable.

7. AUTHORISED SIGNATURE

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9. BACKGROUND PAPERS

No background papers were used as a point of departure for writing this report (other than the statutory objections themselves).