

REPORT TO PLANNING COMMITTEE

8th July 2020

Application Reference	DC/20/64042 and DC/20/6685A
Application Received	28 th February 2020
Application Description	Proposed retention of 2 No. car park ANPR management systems (DC/20/64042) and Retention of four car park sites management signage, 9 No. signs mounted on lighting columns, 12 No. signage poles and 12 No. wall building signs (DC/20/6685A)
Application Address	Car Park, Albion Street, Tipton
Applicant	Parking Eye Ltd.
Ward	Tipton Green
Contribution towards Vision 2030:	
Contact Officer(s)	Name: Mr Anjan Dey Tel: 0121 569 4055 Email: anjan_dey@sandwell.gov.uk

RECOMMENDATION

Grant Retrospective Planning Permission (DC/20/64042)

And

Grant retrospective Advertisement Consent (DC/20/6685A)

1. BACKGROUND

- 1.1 At the meeting on 13th May 2020, the Interim Director of Regeneration resolved to defer a decision to allow for additional consultations with local shops/businesses and further discussions with Corporate Property. The agent has also been asked to submit a Data Protection Risk Assessment.

- 1.2 These two applications were originally reported to your Planning Committee because Councillor Peter Allen had requested that the application (DC/20/64042) be determined at Planning Committee given that there is great concern in the community regarding the management of the car parks.
- 1.3 DC/20/6685A refers to the associated signage for the same two car parks along with two further car parks situated on the opposite side of Albion Street (refer to location plan and site plan no. C-36976-001).
- 1.4 To assist members with site context, a link to google maps is provided below:

[Albion Street, Tipton](#)

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The Site is unallocated in the adopted development plan.
- 2.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)

Local Policy

Public visual amenity

Access, highway safety, parking and servicing

3. THE APPLICATION SITE

- 3.1 The application sites are two Council-owned public Car Parks managed by PBM Debury Ltd, located at the northern side of Albion Street, Tipton.
- 3.2 There are a total of four Council-owned car parks along Albion Street, consisting of a total of 162 bays and as referred to above the signage application (DC/20/6685A) refers to all four car parks.
- 3.3 The surrounding area is highly commercialised in nature characterised by a variety of shops, businesses and town-centre uses. Tipton railway station is on the other side of the road.

4. ADDITIONAL INFORMATION

- 4.1 Lease
- 4.2 The car parks are owned by Sandwell MBC and Corporate Property has confirmed that both car parks have 150 year leases granted to PBM Debury from 1st March 2000. Furthermore, it has been confirmed that

there is nothing contained within the agreements that prohibits charging for parking.

4.3 Following the deferral, Corporate Property has reiterated that the lease agreement for the car parks is a longstanding one. No provision is contained within the lease agreement for Corporate Property to control the activity currently being undertaken.

4.4 Data Protection Impact Assessment

4.5 The *ParkingEye* Privacy Team has submitted a *Data Protection Impact Assessment*.

4.6 **The purpose for the system**

ParkingEye Ltd collects and process personal data captured by Automatic number-plate recognition (ANPR) systems ensure compliance with the terms and conditions of parking on site, and to enforce where necessary. When collecting and processing data captured by the ANPR system ParkingEye is the Data Controller.

4.7 **Description of the processing and scope**

When a vehicle enters or exits the site, a still image is captured which is then time stamped. The ANPR systems captures personal data of every vehicle that enters or exits the car park.

4.8 **Data Retention**

Any non-contravening vehicle data captured by the ANPR systems is retained for 6 months, with non-contravening images being retained for 90 days. Personal data captured that pertains to a parking charge will be retained for longer and is dependent on the lifecycle of the parking charge, for example, whether it is paid or cancelled or remains open and is recovered through debt recovery or county court processes, (which may require retention for longer).

4.9 **Data security and access controls**

Data is collected at site either on a physically secured ANPR server facility or locally on the camera and transmitted securely to our data processing facility via a Virtual Private Network (VPN) connection. No integration requests originate outside of the camera's localised network, meaning the devices are securely firewalled.

4.10 **Identified risks**

The personal data captured in the first instance by the ANPR systems consists of the Vehicle Registration Mark (VRM), the vehicles location and the time/date of their visit. If these were to be compromised, there would be very little risk as it would require additional personal data to positively identify someone from just their VRM. This risk is solely associated with ParkingEye Ltd as the data controller, the owner/leaseholder of the car park would not be responsible in relation to data protection as they have no relationship with the data.

- 4.11 The still images of vehicles entering and exiting the car park are captured to focus only on the VRM, the applicant states that any driver, passenger or member of the public passing through would not be identifiable.

5. PLANNING HISTORY

- 5.1 Various planning consents have been granted for redevelopment/retail.

- 5.2 Relevant planning applications are as follows:-

DC/96/32719	Demolition of existing retail units and community centre and construction of new retail outlets and library.	Approved 27.08.1997
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DC/08883	Commercial area redevelopment including shops, and supermarket.	Approved 11.04.1979
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6. APPLICATION DETAILS

- 6.1 The retrospective planning application (DC/20/64042) is for the retention of 2 no. car park ANPR management systems. The systems capture registration numbers of vehicles using all four Council-owned car parks on Albion Street.

- 6.2 The applicant has stated that the cameras are required, in order to reduce car park abuse (including the long stay users of the railway network) and to ensure that spaces are available for genuine site/users of the town centre. Vehicles parking at the car parks are restricted to a maximum stay of 2 hours free of charge. Penalties are incurred for any over-stay of the two-hour limit.

- 6.3 The ANPR Management Systems are of standard specification, each of which consists of the following elements;

- i. ANPR Cameras;
- ii. 5m high camera column;
- iii. Camera cabinet;

iv. Cabling link to power supply.

6.4 The retrospective advertisement application is for the retention of four car park site management signs, 9 No. signs mounted on lighting columns, 12 No. signage poles and 12 No. wall building signs. None of the signage is illuminated. The signage details are as follows:-

- i. Mounted lighting columns signage measures 0.6m by 0.88m with a maximum height of 2.8m
- ii. Signage poles measures 0.6m by 0.8m with a maximum height of 2.1m
- iii. Wall mounted signage measures 0.6m by 0.8m positioned at a height of 1.5m

7. PUBLICITY

7.1 The planning application has been publicised by site notice with an objection received from a resident in Tipton; the original complainant. Furthermore, Councillor Allen has stated that the management of this car park is of great concern to the local community.

7.2 Following deferral in May a further 123 neighbour notification letters have been issued to local residents and businesses with 2 responses received. One from a local resident stating they have no objections to the proposal and another one objection from the Manager on behalf of residents of 27 sheltered housing properties located at Chatwins Wharf.

7.3 Objections

Objections have been received on the following grounds: -

- (i) The systems and enforcement actions taken by the management company has resulted in vehicles parking elsewhere in the town centre, thereby generating increase levels of traffic;
- (ii) Details relating to ownership of the Car Park are incorrect as the management company does not own the land;
- (iii) The 2-hour time limit is too short and results in penalty charges for over-staying;
- (iv) Associated signage contravenes Civil Law;
- (v) Concerns relating to new lighting columns.

7.4 Responses to objections

I respond to the objector's comments in turn;

- (i) Highway Engineers has been consulted and have no objections to the ANPR systems;

- (ii) The ownership of the Car Park has been stated incorrectly in the submitted 'Design and Access Statement'. This in my view is an error by the agent, however this itself does not warrant refusal. The correct notice has now been served on Corporate Property;
- (iii) Matters relating to the management of the car parking including time restrictions, penalty notices are beyond the control of the planning authority. The management of the car park is matter between the landlord and the tenant, and are not material to the determination of application;
- (iv) These is not material to the determination of the application;
- (v) New lighting does not form part of the application.

8. STATUTORY CONSULTATION

8.1 **Highways** - no objections.

9. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

9.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

9.2 The guidance also refers to considerations relating to amenity and highway safety in relation to advertisement signage. The proposed signage would not harm residential amenity due to its commercial location and would not cause highway safety issues.

10. LOCAL PLANNING POLICY

10.1 The following polices of the Council's Local Plan are relevant:-

ENV3: Design Quality
SAD EOS9: Urban Design Principles.

10.2 ENV3 and SAD EOS9 refers to well-designed schemes that are appropriate to their surroundings. The ANPR management systems are of standard specification and design and do not impact visual amenity. It is my view that they are appropriate to the centre location and are similar to other car park management systems throughout the region.

11. MATERIAL CONSIDERATIONS

11.1 The material considerations relating to Government Policy (NPPF), and proposals within the local plan. These are referred to in Sections 9 and 10. Other considerations are highlighted below:

11.2 **Public Visual Amenity**

The development does any significant visual amenity and is considered to appropriate to this predominantly retail/commercialised centre.

11.3 Access, highway safety and parking

The Council's highway service raises no objections.

12. IMPLICATIONS FOR SANDWELL'S VISION

12.1 The proposal supports Ambitions 8 of the Sandwell Vision 2030: -

12.2 Ambition 8 – Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

13. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 The objector's concerns relate to parking fines etc; and whilst understanding their concerns, these are not material planning considerations, and do not warrant refusal of the application.

13.2 The proposals raises no planning concerns; the retention of the ANPR systems and associated signage are considered to be acceptable and appropriate to the town centre location.

14. STRATEGIC RESOURCE IMPLICATIONS

14.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

15. LEGAL AND GOVERNANCE CONSIDERATIONS

15.1 This application is submitted under the Town and Country Planning Act 1990.

16. EQUALITY IMPACT ASSESSMENT

16.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

17. DATA PROTECTION IMPACT ASSESSMENT

17.1 The planning application and accompanying documentation is a public document.

18. CRIME AND DISORDER AND RISK ASSESSMENT

18.1 There are no crime and disorder issues with this application.

19. SUSTAINABILITY OF PROPOSALS

19.1 Refer to the national planning framework (9) and local plan policies (10) and material considerations (11).

20. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

20.1 Refer to the summary of the report (13).

21. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

21.1 The Car Parks are owned by Sandwell MBC and Corporate Property has confirmed that a 150-year lease was granted to PBM Debury from 1st March 2000. Furthermore, it has been confirmed that there is nothing contained within the agreements that prohibits charging for parking.

21.2 Following complaints made to the Planning Department, Corporate Property has been in discussion with their tenant regarding the regularisation of the ANPR Management Systems.

21.3 Following deferral, Corporate Property has reiterated that the lease agreement for the car parks is a longstanding one. No provision is contained within the lease agreement for Corporate Property to control the activity currently being undertaken.

22. APPENDICES:

Location Plan

Context Plan

C-36976-002 Rev A

C-0000-001

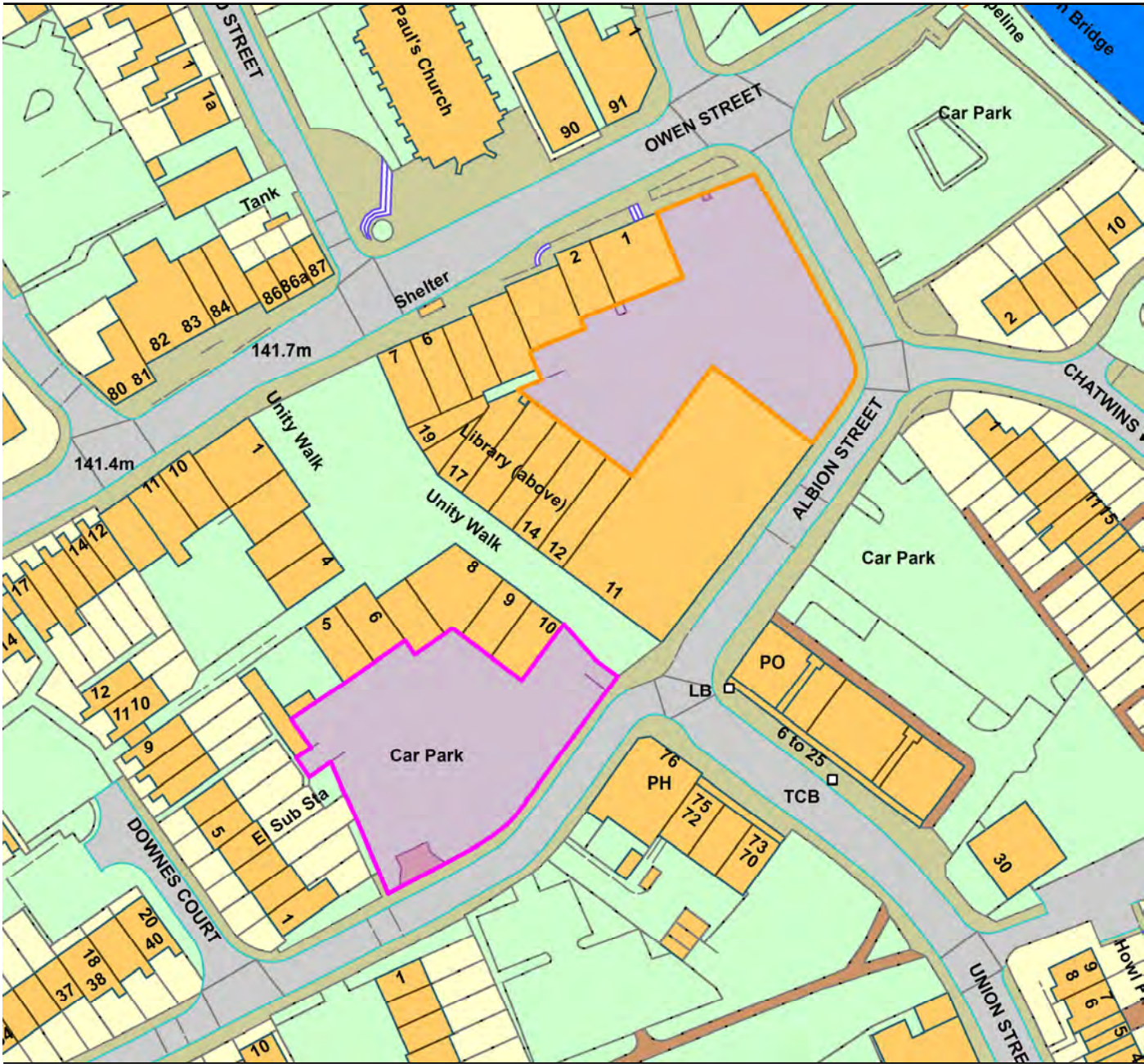
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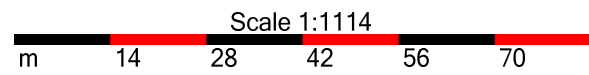
C-36976-003 2 Rev A

C-36976-004 Rev A

DC/20/64042
Car Park, Albion Street, Tipton

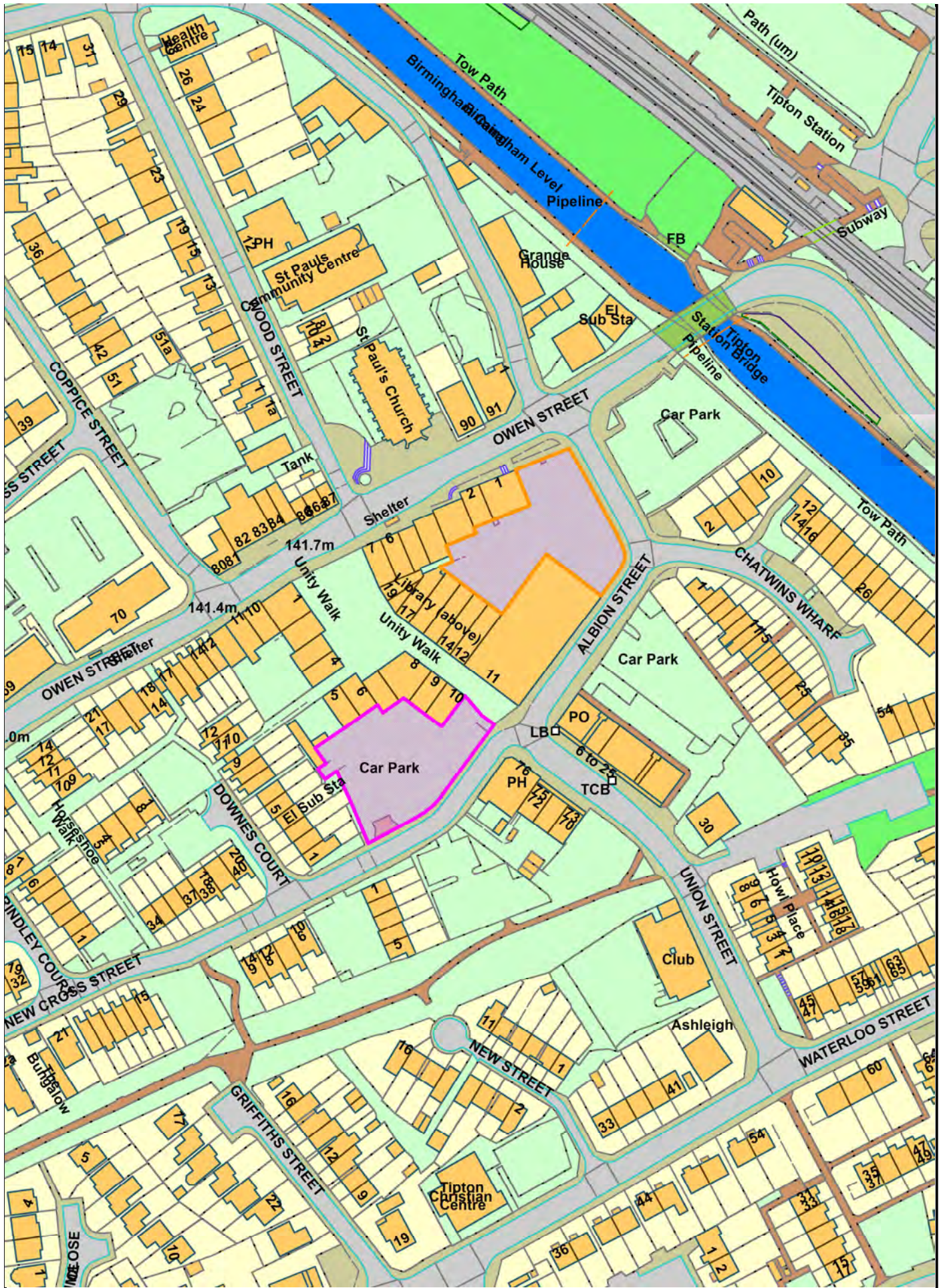


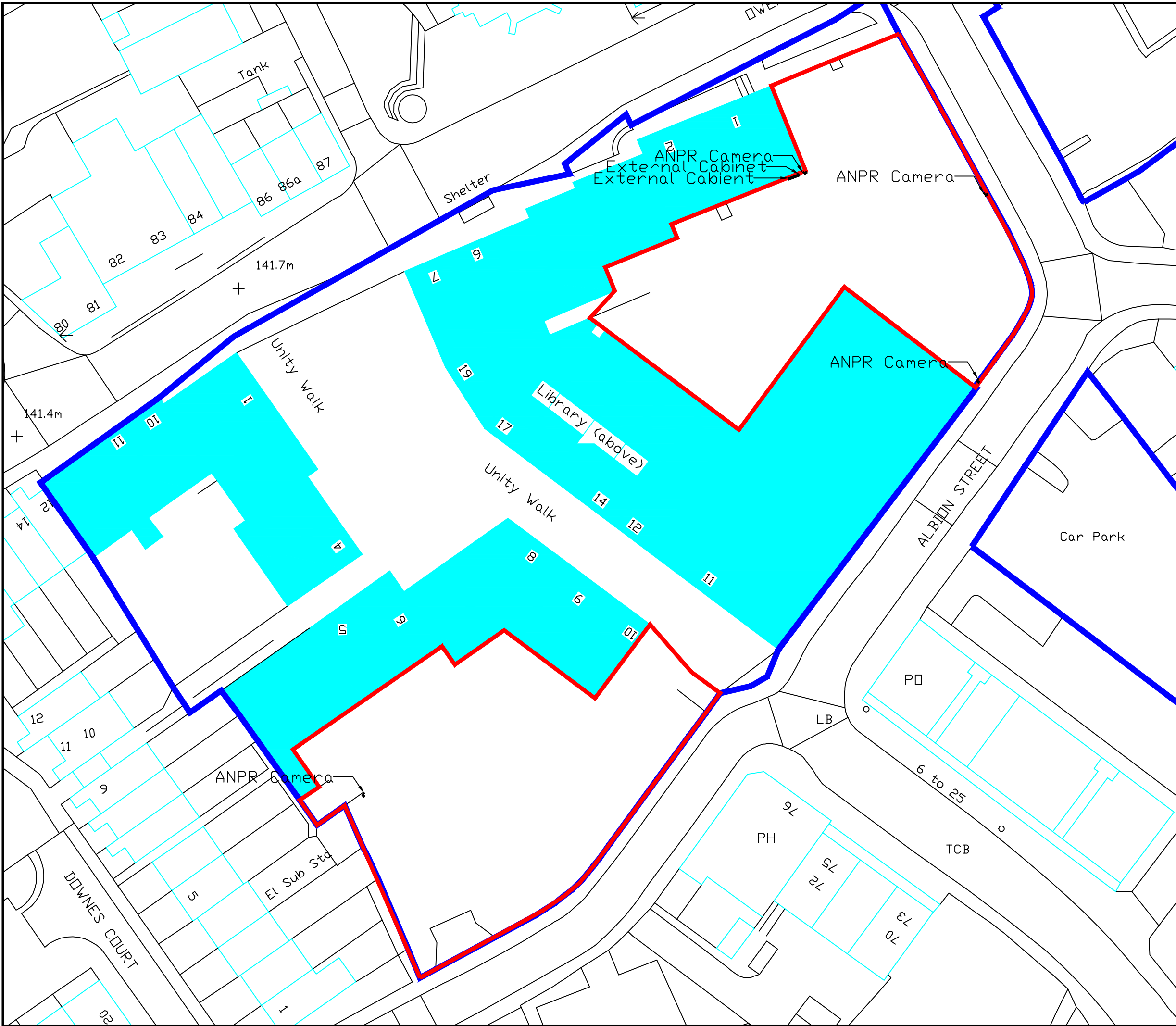
Legend



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	21 May 2020





- Notes:**
1. Contractors to check dimensions and notify any discrepancies or errors to the company immediately.
 2. Work to figured dimensions only and to be checked before commencement of work on site.
 3. Do not scale off this drawing.
 4. All dimensions in millimeters unless otherwise stated.

Legend

- Location Plan
- Site Plan

Rev	Purpose Of Issue	Drn	Ckd	App	Date
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Office Contact:
 40 Eaton Avenue, Matrix Park
 Buckshaw Village, Chorley,
 Lancashire, PR7 7NA

Tel: 01772 450 970
 Fax: 01772 450 979
 Email: ops.civils@parkingeye.co.uk

Client:
 PBM Debury Limited

Project:
 The Tipton Shopping Centre

Title:
 Site Plan

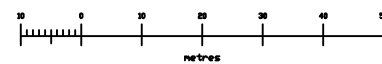
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Status: Planning	Checked: <i>S. Lang</i>	Date:
Scale @ A3: 1:500	Approved: <i>S. Lang</i>	Date:

Drg. No: C-36976-002.A Rev: A

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Legend

- Location Plan
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Client:
PBM Debury Limited

Project:
The Tipton Shopping Centre

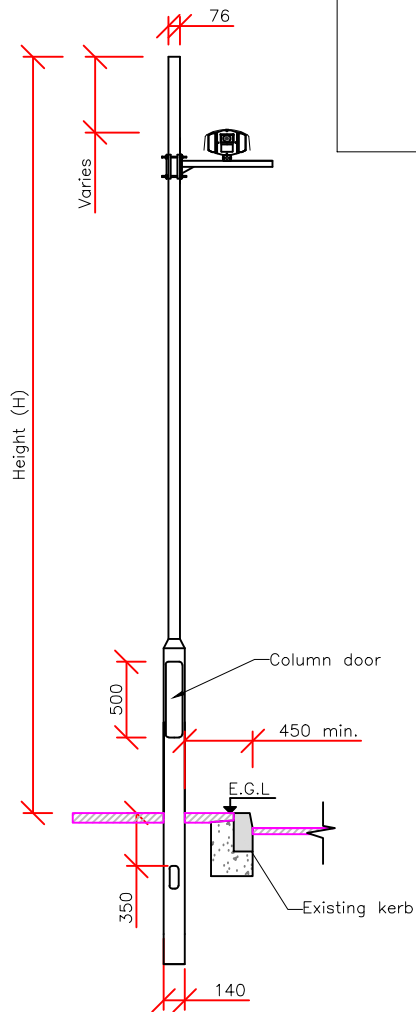
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Purpose: Information	Drawn: <i>Faden Fish</i>	Date: 13/02/2020
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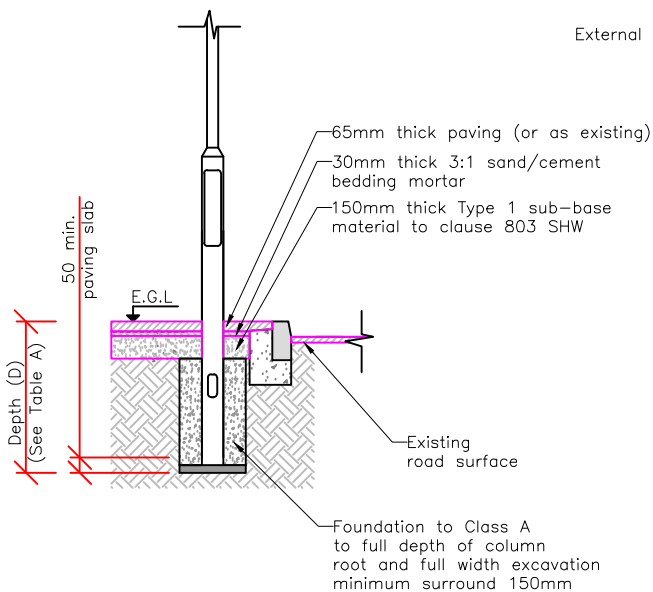
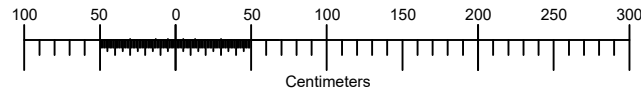
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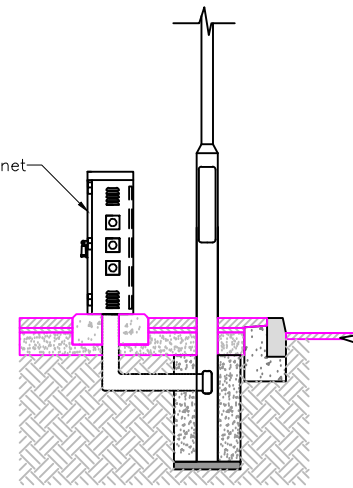
Drg. No: C-36976-001.A	Rev: A
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Lighting Column and Camera
General Arrangement Detail



Column Foundation and
Reinstatement Details



Lighting Column and Cabinet
General Arrangement Detail

TABLE A:	DEPTH (D) (mm)		
	G630 GOOD SOIL	G390 AVERAGE SOIL	G230 POOR SOIL
COLUMN HEIGHT (H) (mm)			
5000	800	1000	1200

Soil Type: (Factor G) (BS 5649 Part 2)

G630 Good: Compact, well graded sand and gravel, hard clay, well graded fine and coarse sand, decomposed granite rock and soil. Good material should be well drained and in locations where water will not stand.

G390 Average: Compact fine sand, medium clay, compact, well drained sandy loam, loose coarse sand and gravel. Average soils should be drained sufficiently well that water does not stand on surface.

G230 Poor: Soft clay, clay loam, poorly compacted sand, clays containing a large amount of silt and vegetable matter, and made ground. Poor soils will normally be wet and have poor drainage.

Notes:

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- Work to figured dimensions only and to be checked before commencement of work on site.
- Do not scale off this drawing.
- All dimensions in millimetres unless otherwise stated.
- For further details of external cabinet and base, refer to drawing number C-0000-004.

A	For Information	DAO	DAO	CL	01/06/2014
Rev	Purpose Of Issue	Drm	Ckd	App	Date



Office Contact:
40 Eaton Avenue, Matrix Park
Buckshaw Village, Chorley,
Lancashire, PR7 7NA

Tel: 01772 450 970
Fax: 01772 450 979
Email: ops.civils@parkingeye.co.uk

Client: ParkingEye

Project: Standard
Details

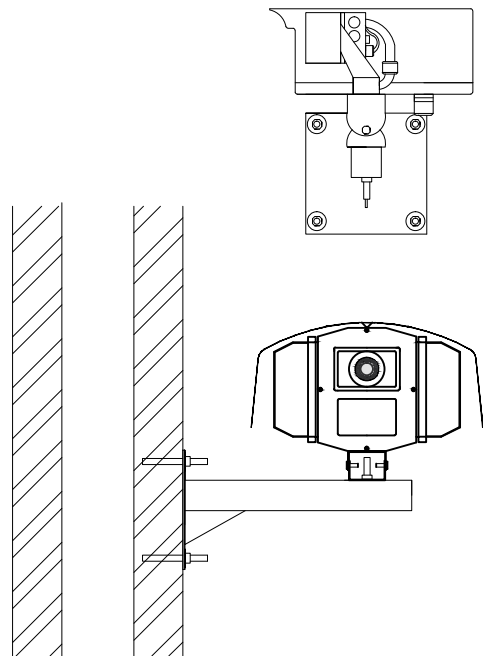
Title: ANPR Lighting Column
General Arrangement

Purpose: Information
Drawn: *S. Long*
Date: 17/02/2017

Status: Information
Checked:
Date:

Scale @ A4: 1:50
Approved: *S. Long*
Date: 17/02/2017

Drg. No: C-0000-001
Rev: A



KEY FEATURES:

- The ability to capture multiple lanes of traffic with a single camera;
- An increased field of view meaning less time spent aligning cameras high reliability and read accuracy;
- No requirements for lane management in certain situations;
- A more accurate ANPR recognition engine.

Notes:

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4. All dimensions in millimetres unless otherwise stated.

A	For Information	DAO	DAO	CL	01/06/2014
Rev	Purpose Of Issue	Dm	Ckd	App	Date



Office Contact:
40 Eaton Avenue, Matrix Park
Buckshaw Village, Chorley,
Lancashire, PR7 7NA

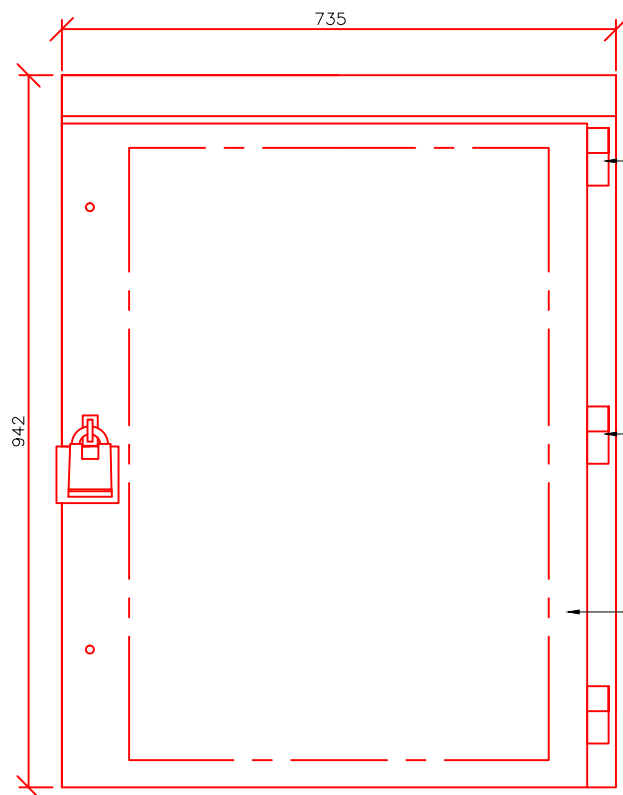
Tel: 01772 450 970
Fax: 01772 450 979
Email: ops.civils@parkingeye.co.uk

Client: ParkingEye

Project: Standard Details

Title: Phantom Camera Details

Purpose: Information	Drawn: <i>S. Lang</i>	Date: 16/02/2017
Status: Information	Checked: <i>A. Beagley</i>	Date: 16/02/2017
Scale © A4: NTS	Approved: <i>S. Lang</i>	Date: 16/02/017
Drg. No: C-0000-006	Rev: A	



External Cabinet
Front Elevation
Scale 1:10



External Cabinet
Plan
Scale 1:10

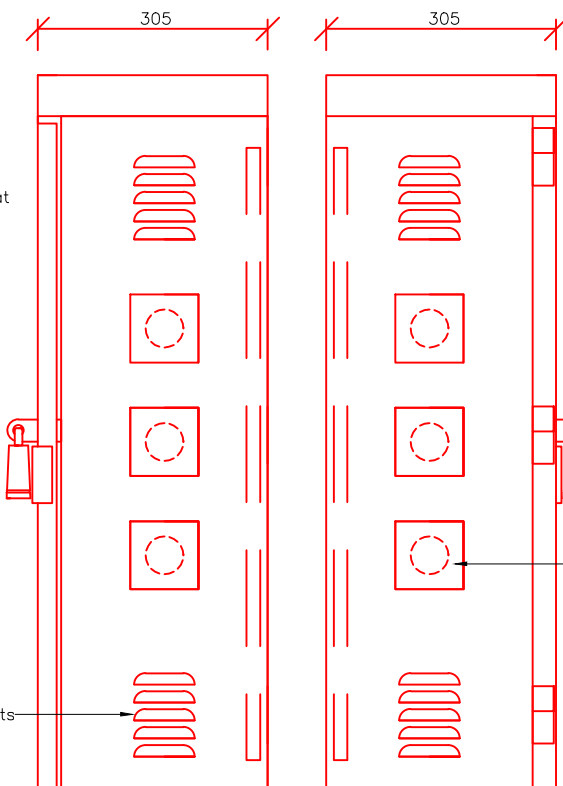


2mm thick galvanised steel cubicle shell finished in powder coat grey RAL 7043

Side hinged steel door with stainless hinges

Exterior plywood base board 810x555x18mm

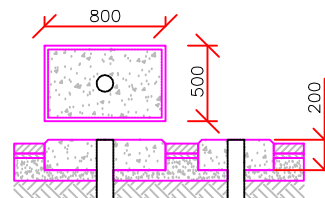
5 Louvre Vents



External Cabinet
Side Elevations
Scale 1:10

Squire Professional padlock

50mm Diameter Access Point covered with 90 x 90mm blanking plates



External Cabinet Base
Scale 1:50

Notes:

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A	For Information	DAO	DAO	CL	01/06/2014
Rev	Purpose Of Issue	Dm	Ckd	App	Date



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Buckshaw Village, Chorley,
Lancashire, PR7 7NA

Tel: 01772 450 970
Fax: 01772 450 979
Email: ops.civils@parkingeye.co.uk

Client:	ParkingEye
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Project:	Standard Details
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Title:	External Cabinet Details
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Purpose: Information	Drawn: <i>D. O'Riordan</i>	Date: 01/06/2014
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Status: Information	Checked: <i>D. O'Riordan</i>	Date: 01/06/2014
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Scale © A4: As Shown	Approved: <i>S. Lee</i>	Date: 01/06/2014
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Drg. No: C-0000-004	Rev: A
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We wish to confirm that ParkingEye are the controller in respect of personal data captured by our ANPR systems, terminals and payment machines on site. PBM Debury Limited have no relationship with these categories of personal data, they would only be the controller in respect of vehicle registrations provided to ParkingEye for whitelist purposes, staff permits for example. In addition to which, they would be the controller of any information provided by PBM Debury Limited instructing ParkingEye to cancel Parking Charges issued on site at their request.

For the purposes of having a high level view of our approach to managing personal data, we confirm access to personal data on our system is only available to ParkingEye employees that require it based on role specific permissions. We also enforce a clear workspace policy that is available to all staff to ensure no personal data is left unattended for any length of time and kept secure at all times. We have a mature, automated data management and retention process in place to ensure all our data including VRMs and other personal data collated through our processes is appropriately protected and handled in accordance with its retention requirement. Data is continually purged and/or anonymised as appropriate. We can confirm that non-contravening vehicle data captured by our ANPR systems is retained for 6 months, with non-contravening images being retained for 90 days. Personal data captured that pertains to a Parking Charge will be retained for longer and is dependent on the lifecycle of the Parking Charge, for example, whether it is paid or cancelled or remains open and is recovered through debt recovery or county court processes, (which may require retention for longer). We continually reassess our needs for the data and review our retention policies in line with the need to retain.

For further information about data subject rights, plus information about the categories of data we process, data transfers, the legal basis for our processing, and the purposes of processing, please visit: <https://www.parkingeye.co.uk/privacy-policy/>

If you have any further questions regarding the above information, please contact us by return to the below address or via privacy@parkingeye.co.uk.

ParkingEye Data Protection Risk Assessment

The purpose for the system

ParkingEye Ltd collect and process personal data captured by our ANPR systems ensure compliance with the terms and conditions of parking on site, and to enforce where necessary. In addition to which, personal data is captured for car park management purposes. This will include, for example, reporting on vehicle turnover and repeat visits in order to improve the customer experience. This information is available to all visitors on signage throughout the car parks. When collecting and processing data captured by the ANPR system ParkingEye is the Data Controller.

Description of the processing and scope

When a vehicle enters or exits the site, a still image is captured which is then time stamped using NTP as well as a 'hit' record that contains the VRM, a location code as well as the date/time it was captured. Our ANPR systems will capture personal data of every vehicle that enters or exits the car park where a VRM is present and readable.

Estimated data volume

This is entirely dependent on the traffic flowing through the car park on any given day and will ultimately vary from site to site.

Data Retention

We can confirm that non-contravening vehicle data captured by our ANPR systems is retained for 6 months, with non-contravening images being retained for 90 days. Personal data captured that pertains to a Parking Charge will be retained for longer and is dependent on the lifecycle of the Parking Charge, for example, whether it is paid or cancelled or remains open and is recovered through debt recovery or county court processes, (which may require retention for longer). We continually reassess our needs for the data and review our retention policies in line with the need to retain. We have a mature, automated data management and retention process in place to ensure all our data including VRMs and other personal data collated through our processes is appropriately protected and handled

in accordance with its retention requirement. Data is continually purged and/or anonymised as appropriate.

Data security and access controls

Data is collected at site either on a physically secured ANPR server facility or locally on the camera and transmitted securely to our data processing facility via a Virtual Private Network (VPN) connection. The interaction between the camera and central solution can also be pushed from the camera to an API over HTTPS encrypted end-to-end using TLS (Transport Layer Security) typically over the public internet via a 3G/4G cellular network or business grade ADSL service. No integration requests originate outside of the camera's localised network, meaning the devices are securely firewalled away with no exposed ports to the outside world reducing the threat attack surface. ParkingEye have a number of sites delivered over a site-to-site VPN. Cayenne is ParkingEye's purpose built (in-house) car park management solution, facilitating the complete parking life cycle. Our in-house Technical Operations teams get access to dashboards, offering real-time visibility of devices in the wild and their health. Each site is assigned a dedicated Technical Owner who not only has an intimate knowledge of the site installation and client, but has access to tools to proactively monitor sites, giving them a holistic view of car park operational health. If a device or ANPR camera has not sent a heartbeat to Cayenne for a configurable period of time, this is brought to the attention for investigation through both dashboards and notifications. For the purposes of having a high level view of our approach to managing personal data, we confirm access to personal data on our system is only available to ParkingEye employees that require it based on role specific permissions. We also enforce a clear workspace policy that is available to all staff to ensure no personal data is left unattended for any length of time and kept secure at all times.

Identified risks

The personal data captured in the first instance by the ANPR systems consists of the VRM, the vehicles location and the time/date of their visit. If these were to be compromised, there would be very little risk as it would require additional personal data to positively identify someone from just their VRM. This risk is solely associated with ParkingEye Ltd as the data controller, the owner/leaseholder of the car park would not be responsible in relation to data protection as they have no relationship with the data.

Please note that the still images of vehicles entering and exiting the car park are captured to focus only on the VRM, any driver, passenger or member of the public passing through would not be identifiable.

Mitigating measures

The ANPR servers use NTP to regularly verify the accuracy of the local time clock with any adjustments being logged thus ensuring that all images are captured and stamped with an accurate time and date. Network Time Protocol (NTP) is a widely used standard to accurately synchronise computer time over wide area networks. Information provided above in relation to cyber security mitigates the risk of any unauthorised third party access to data captured by the ANPR systems on site.

Residual risks

None to the landowner or leaseholder of the car park.

Responsible officer or Information Asset Owner

Please refer any query in relation to personal data captured by our ANPR systems via email to privacy@parkingeye.co.uk. They will then be reviewed by our in-house data protection specialist and a response provided accordingly.