

Too heavy a burden?

SUVs and the legal basis for size and weight-based parking charges in the UK¹



Summary

- Heavy, oversized cars pose a threat to other road users, the environment and urban spaces, and yet the number of such cars on the roads is growing.
- Policymakers across Europe are increasingly waking up to this threat and introducing size and weight-based parking charges in their towns and cities.
- Councils in the UK are well-placed to introduce such measures, benefitting from a legal regime which encourages them to consider the interests of the local population and of other road users when locating and charging for parking spaces.

¹ In this note, we focus on the legal regime in England and Wales, but would be happy to discuss the different legal frameworks in Scotland and Northern Ireland where helpful. In Scotland, the same overarching framework and principles as set out in this briefing will apply; whereas in Northern Ireland, on-street parking charges are regulated by the Department for Infrastructure rather than local councils.

Background

Cars are getting larger and heavier. In 2023, twenty million Sports Utility Vehicles (SUVs) were sold globally, constituting 51% of the global market share.² In the UK, SUV sales hit record levels in 2024, constituting 64% of new car sales in the UK, up from 47% in 2020.³ SUVs typically take up close to 0.3 m² more space than average medium-sized cars, and they tend to weigh 200-300 kg more⁴, making them both more deadly, and harder to avoid. As a result of their growing popularity in the UK, the average weight of new registered and licensed cars in this country has grown by 189kg between 2014 and 2023.⁵

And yet, even as the size of cars on our roads has grown, so too has the evidence of the safety, environmental and infrastructure risks that these pose as a result of their larger than average height, width, length and weight.⁶ This threat is increasingly a source of concern for both policymakers and the public. In order to address it, towns and cities across Europe have begun implementing policies aimed at mitigating the danger by seeking to reduce the number of such vehicles on our roads.⁷

One policy which is gaining traction is the introduction of size- or weight-based parking tariffs. In the autumn of 2024, the city of Paris brought in new parking charges which tripled the fees for non-residents driving combustion and hybrid vehicles weighing 1.6 tonnes or more, and electric vehicles weighing 2 tonnes or more.⁸ Preliminary findings have shown that these measures have led to a two-thirds reduction in the heaviest SUVs being parked in the city centre,⁹ and Bordeaux and Grenoble have since followed suit. Other cities, such as Cologne in Germany, have introduced parking charges for larger vehicles based on their length, while other German towns and cities are setting tariffs based on vehicle ‘footprint’ (i.e. length plus width).¹⁰ Meanwhile, in the UK, Cardiff recently became the first city in the UK to put proposals to charge higher parking fees for heavier cars and SUVs to a cabinet vote, with the proposals gaining cabinet approval.¹¹

This briefing examines the legal basis for local authorities in the UK to introduce such size- or weight-based charges. While weight-based charges appear more viable in the UK currently, since data on the weight of vehicles is more readily available, the same general principles and rules would also apply for other size-based charges.

² IEA, ‘SUVs are setting new sales records each year – and so are their emissions’, May 2024, <https://www.iea.org/commentaries/suvs-are-setting-new-sales-records-each-year-and-so-are-their-emissions>, accessed on 4 September 2025.

³ CleanCities, ‘Rise of ‘Carspreading’: UK car owners say supersized SUVs “not necessary in towns and cities”’, February 2025, <https://cleancitiescampaign.org/rise-of-carspreading-uk/>, accessed on 10 September 2025.

⁴ Ibid., IEA.

⁵ Carlson, Ruth & Dadashzadeh, Nima & Ekmekci, Mustafa, ‘An investigation into the relationship between car weight and fatal collision rates in the UK’, April 2025, doi: 10.13140/RG.2.2.28687.29608.

⁶ For a helpful survey of the latest evidence, see Goodman, Nix, Tyndall, and Lavery, ‘SUV Toolkit for Cities: Overview of options for defining and addressing ‘oversized vehicles’’, *Transport for Quality of Life*, February 2025.

⁷ Ibid, page 8

⁸ Electrive, ‘Paris triples parking fees for SUVs’, October 2024, <https://www.electrive.com/2024/10/04/paris-triples-parking-fees-for-suvs/>, accessed on 11 September 2025.

⁹ Le Parisien, ‘«Nous allons supprimer la moitié des places de stationnement à Paris», annonce David Belliard’, October 2020, <https://www.leparisien.fr/paris-75/nous-allons-supprimer-la-moitie-des-places-de-stationnement-a-paris-annonce-david-belliard-20-10-2020-8404046.php>, accessed on 10 September 2025.

¹⁰ For a full run-down of size based parking policies, see Table 1, in the SUV Toolkit for Cities, found on page 8.

¹¹ BBC News, ‘Cardiff’s SUV parking premium wins approval’, 16 October 2025, <https://www.bbc.co.uk/news/articles/c04gpp4w0rdo>, accessed on 17 October 2025.

The Law

The legal basis for a local authority in the UK to impose charges for parking can be found in section 45 of the Road Traffic Regulation Act 1984 ("the 1984 Act"). This states that a local authority has the power to designate parking places on a highway (a road), to charge for their use, and to issue parking permits for a charge.¹²

Under the 1984 Act, such charges are to be designated through an order,¹³ and may be varied under powers contained in section 46A of the 1984 Act. When doing this, a council must follow the procedure set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (the "1996 Regulations").

As well as complying with procedural requirements, councils wishing to make a designation order must act in line with the general duty contained in section 122 of the 1984 Act. These are the same factors

Section 122 of Road Traffic Regulation Act 1984

(1) It shall be the duty of every strategic highways company and local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway or, in Scotland, the road.

(2) The matters referred to in subsection (1) above as being specified in this subsection are—

- (a) the desirability of securing and maintaining reasonable access to premises;*
- (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*
- (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*
- (c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and*
- (d) any other matters appearing to the strategic highways company or the local authority to be relevant.*

(3) The duty imposed by subsection (1) above is subject to the provisions of Part II of the Road Traffic Act 1991.

¹² Section 45, Road Traffic Regulation Act 1984

¹³ Section 46(1A), Road Traffic Regulation Act 1984

which must be considered when making any Traffic Regulation Order (or in Greater London, Traffic Management Order).

In exercising any of their powers under the 1984 Act, local authorities should ensure that they are doing so, as far as practicable, in a way which is consistent with their duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. It is not necessary to consider *every* matter mentioned in subsection 2 in all cases, but all *material* matters must be taken into account– (including the subsection 2 matters to the extent that they are material).¹⁴

When considering putting in place an Order, a council must conduct a balancing exercise between the needs of the drivers and other traffic in the area (including pedestrians), and any factors pointing in favour of introducing traffic restrictions, including the needs of the surrounding locality.¹⁵ This balancing exercise must be undertaken by the council after any consultation period has yielded interested parties' views,

Trail Riders Fellowship v Hampshire County Council [2019] EWCA Civ 1275

In this case, a motorists' association challenged the decision by Hampshire County Council to close three rural lanes to vehicular traffic, arguing that in doing so, the council had failed to properly consider all relevant matters and comply with its section 122 duty. The first-instance court found in favour of the defendant, refusing to quash the relevant order. The Court of Appeal agreed, and in doing so clarified the matters that need to be considered in deciding whether a s.122 duty has been properly complied with.

It stated that, while there doesn't need to be an explicit mention of s.122 in the decision, the council must show that it has balanced its duty to "*secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) so far as practicable*" against any "*factors which may point in favour of imposing a restriction on that movement; [including] the effect of such movement on the amenities of the locality and any other matters appearing to be relevant which will include all the factors mentioned in section 1 of the 1984 Act as being expedient in deciding whether a TRO should be made.*"¹ A local authority must be able to show that it has undertaken this balancing exercise in order to discharge its s.122 duties.

Croft v Devon County Council and others [2025] EWHC 881 (Admin)

In this case, a court applied the test from *Trail Riders* and found that the council had not complied properly with its duty. A council had made TRO prohibiting the circulation of vehicles on a particular section of a road, in order to allow access for building works for a permitted development. The claimant challenged this Order, asserting that the council had failed to have adequate regard to the safety consequences that this would have, particularly in relation to children. Having been warned about the potential implications of the TRO for the safety of children playing in a nearby play area, the council had been incorrectly advised that it did not need to factor this into its decision-making, and so had not done so.

Applying the test in *Trail Riders*, the court found that in omitting to do so, it failed to have proper regard for "*the [...] safe movement of traffic [...] including pedestrians*" and therefore did not properly discharge its duty under section 122. Safety is a material concern which should be considered where relevant when passing a TRO or TMO.

¹⁴ Croft v Devon County Council and others [2025] EWHC 881 (Admin)

¹⁵ Trail Riders Fellowship v Hampshire County Council [2019] EWCA Civ 1275, paras. 37 – 40

taking such views into account,¹⁶ and must comply with general public law principles, such as rationality and fairness as well as any duties under the Equality Act. Several parking and non-parking related cases over the past few decades have served to clarify this duty.

Local authorities should be especially aware that parking tariffs must not be introduced with the direct goal of raising revenue, as this would be inconsistent with the general duty.¹⁷ Generating additional income, even where the funds raised will be used to fund other aspects of a local authority's transport strategy, is not a legitimate reason to introduce or increase a parking tariff.¹⁸ While budgeting for a modest surplus which may be generated as a result of the introduction of the fees is in principle permitted,¹⁹ such considerations should not feature in a council's deliberations as to whether and to what extent to introduce such charges. As a result, and to mitigate any risk of challenge, local authorities should clearly set out how the introduction of the charges would be consistent with their transport policy goals, irrespective of any revenue raised.

As well as ensuring that they are acting in line with their general duties under s.122, councils looking to introduce such parking fee structures should make sure that they follow the correct procedures for doing so. In particular, councils should ensure that their consultation procedures are robust, in order to mitigate the risk of a challenge.²⁰ Introducing charges in order to raise revenue, and conducting insufficient consultation procedures are two key reasons for which parking orders have been challenged in the past.

Cran & Ors, R (on the application of) v Camden London Borough Council [1995] EWHC 13 (Admin)

In this case, a local resident challenged the council's decision to introduce a controlled parking zone ("CPZ") in Primrose Hill in Camden. He argued that the order should be quashed because the council introduced the CPZ as a revenue raising exercise, which was inconsistent with its duties under s.122. He also argued that the decision was procedurally unfair, because the council had carried out a flawed consultation procedure, and was therefore invalid.

On the first point, while the court ultimately found against the claimant on the facts, the judge affirmed that raising revenue was an unlawful reason for charging for parking, and that councils should not consider what any surplus generated by the charges might be spent on when deciding whether to set the charges in the first place.

On the second point, the court examined documents and minutes associated with the taking of the decision, and concluded that the consultation procedure was so flawed as to substantially prejudice the claimants. In particular, the views of the public representative organisations were ignored or incompletely reported to members, their status as statutory consultees never recognised, and their views devalued. Officers from the borough had already decided to introduce the parking measures at the start of the formal decision-making process, and as such, none of their reports to members mentioned the members' duties to actually consider the merits of the policy. On the basis of this flawed consultation process, the court overturned the Order. While this case presents an extreme example of how a consultation can be mishandled, it is a useful reminder that an inadequate consultation procedure can interfere with an otherwise lawful order.

¹⁶ Ibid., para 36

¹⁷ Cran & Ors, R (on the application of) v Camden London Borough Council [1995] EWHC 13 (Admin)

¹⁸ Attfield, R (on the application of) v London Borough of Barnet [2013] EWHC 2089 (Admin)

¹⁹ Djanogly v City of Westminster [2010] EWHC 1825 (Admin)

²⁰ In particular, they should follow the 'Sedley criteria' set out in R (Gunning) v Brent London Borough Council (1985) 84 LGR 168

Djanogly v City of Westminster [2010] EWHC 1825 (Admin)

In this case, a claimant challenged a decision by the city of Westminster in relation to the designation of parking spaces for motorcycles and the introduction of related parking charges. He argued that the relevant orders were introduced for the unlawful purpose of raising revenue, and were therefore invalid. The claimant further argued that the council had undertaken inadequate consultation, because it failed to deal with all the objections raised to the scheme during the consultation process.

In respect of the first complaint, the court found that, while it was not permitted to introduce parking charges with a view to the revenue which it would generate, budgeting for a modest surplus was not indicative of improper motivation. In addition the council had justified the introduction of the orders on the basis of traffic management considerations – namely in order to provide an increased provision of on-street parking for motorcyclists to meet growing demand in the borough, and in order to end an unintended system of discrimination between cars and motorcycles. It provided sufficient evidence of these two objectives and of their legitimacy, such that the court agreed that the order had been made for reasonable objectives in good faith, and not for the unlawful purpose of raising revenue.

In respect of the second complaint, the court found that, while a council must show willingness to be receptive to reasonable argument, that does not mean it needs to change its policy in order to agree with the majority view. It affirmed a cabinet member's authority to ultimately take a judgement upon the competing arguments, and restated that *"the fact that the objections have not in the end prevailed does not [...] demonstrate a failure of the consultation process"*.

Attfield, R (on the application of) v London Borough of Barnet [2013] EWHC 2089 (Admin)

In this case, the Borough of Barnet increased the charges for resident permit holders and visitors' vouchers in a CPZ in East Finchley. The claimant challenged this order, arguing that it was an illegal revenue-raising exercise. The council did not hide the fact that the decision was made in order to raise additional revenue, but argued that the funds would be used to pay for traffic management activities undertaken in order to *"secure the expeditious, convenient and safe movement of other traffic"*, and therefore that it fell within their duties under s.122. Following a review of the law, the judge stressed that *"the 1984 Act is not a fiscal measure and does not authorise the authority to use its powers to charge local residents for parking in order to raise surplus revenue for other transport purposes."*¹ On that basis, the order was quashed.

Chaumeton v The London Borough of Camden [2015] EWHC 1010 (Admin)

In this case, the claimant challenged various decisions by the council to increase or change parking charges across the borough, on the basis that this had been done to raise revenue. The council did not dispute that raising revenue in this way would have been wrong – instead insisting that this had not been their aim in amending the parking charges at all. The court examined several strategy documents, reports, and meeting minutes in order to conclude that there was no evidence that the charges had been introduced to raise additional revenue. On the contrary, the court found that there was evidence that the council’s purpose was instead to address the problems which came with private vehicle traffic. There was also no evidence of bad faith on the part of the council or suggesting that they were seeking to hide their true motive.

The court also clarified that the designation and charging for parking charges does not need to be revenue neutral in order to be lawful, stating that “*it does not follow from the fact that additional revenue is raised or projected that that was the purpose of the increases and changes*”.¹

A review of the recent case law in this area reveals that, while councils have the power to designate and amend parking spaces and charges at their discretion, they should ensure that they are doing so in order to fulfil their traffic management duties under s. 122 of the 1984 Act. In particular, they must take into account all material considerations and ignore those which are irrelevant or unlawful – such as the revenue-raising potential of such measures. They should keep clear records of these considerations, and show that they have balanced them against one another. Councils should further conduct rigorous consultation processes in line with the general public law requirements to ensure fairness and full consideration of the proposals’ impacts.

Application to SUVs

There are several features of SUVs which appear relevant for the purposes of making a decision as to whether to introduce a dedicated parking tariff.

Evidence gathered on UK roads between 2019 and 2023 has shown a correlation between the weight of cars and the fatality of collisions.²¹ A 2025 study found that cyclists or pedestrians were 44% more likely to be fatally injured if hit by an SUV or light truck vehicle (LTV), as opposed to a smaller passenger car. This figure almost doubles among children, who are 82% more likely to be killed in a collision with an SUV or LTV than with a passenger car – and more than doubles again for children under 10 years old, where the increased risk of death is 209%.²² Although it is sometimes claimed that heavier vehicles increase passenger safety, leading to fewer fatalities among the people who drive them, this decrease is dwarfed

²¹ Ibid., Carlson et al.

²² Robinson E, Edwards P, Laverty A, et al., ‘Do sports utility vehicles (SUVs) and light truck vehicles (LTVs) cause more severe injuries to pedestrians and cyclists than passenger cars in the case of a crash? A systematic review and meta-analysis, *Injury Prevention*, April 2025. doi: 10.1136/ip-2024-045613.

by the danger posed to the other road users involved in such collisions.²³ As a result, the circulation of SUVs would appear to have a significant adverse effect on the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), making roads less safe both for other road users and for pedestrians, especially children. Following the decision in *Croft*, these are factors which councils should consider if deciding to make a traffic order in relation to SUVs.

As well as the associated safety risks, SUVs also harm our health, with larger vehicles generating more air pollution than their lighter counterparts, due to their increased levels of brake and tyre wear, which emit high levels of particulate matter.²⁴ Particulate matter is associated with multiple serious health outcomes, such as decreased lung function, aggravated asthma, heart attacks, and even premature death among people with heart and lung disease.²⁵ Emissions are particularly elevated in cities, where driving conditions tend to lead to frequent, harsh braking, thereby emitting more particulate matter more frequently.²⁶ As a result, there is also a strong environmental case to be made for limiting the circulation of large vehicles, and especially in towns and cities.²⁷ Consideration for the air pollution impacts of a TRO is clearly foreseen in section 122, with air quality explicitly mentioned. As a result, the air pollution implications of SUVs are also likely to be relevant to council decision-making when setting specific parking tariffs.

In addition to their health and safety impacts, SUVs place a greater burden on public spaces. More than half of new cars in the UK are now too wide for urban parking spots and decrease the road space available for traffic,²⁸ interfering with the expeditious and convenient movement of other road users. This, and the shortage of curb-space they exacerbate, also adversely impacts the 'amenities of the locality', by causing both more congestion and less footfall, as fewer cars are able to stop and take advantage of the amenities.

Similarly, heavier vehicles cause more damage to road surfaces, as the stress a vehicle exerts on a road increases exponentially with its weight.²⁹ The increased circulation of heavier vehicles therefore logically leads to a higher incidence of potholes and other road surface problems. This damage to road surfaces,

²³ The Economist, 'Americans' love affair with big cars is killing them', August 2024, <https://www.economist.com/interactive/united-states/2024/08/31/americans-love-affair-with-big-cars-is-killing-them>, accessed on 2 September 2025.

²⁴ William Hicks, David C. Green, Sean Beevers, 'Quantifying the change of brake wear particulate matter emissions through powertrain electrification in passenger vehicles', *Environmental Pollution*, Volume 336, November 2023, doi: [10.1016/j.envpol.2023.122400](https://doi.org/10.1016/j.envpol.2023.122400).

N.B. Again, there is an important distinction between electric and internal combustion vehicles here. Due to regenerative braking, electric vehicles do not emit as much particulate matter from brake wear as internal combustion engines, despite being heavier. Nevertheless, EVs generate higher levels of particulate matter from tyre wear due to their increased weight, and especially so when it comes to heavier electric SUVs. There therefore remain air quality benefits to increasing parking charges for heavier EVs. See footnote 7 for a suggestion of how to reflect these considerations in the design of parking policy.

²⁵ USEPA, 'Health and Environmental Effects of Particulate Matter (PM)', May 2025, <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>, accessed on 03.09.2025.

²⁶ *Ibid.*, Hicks et al.

²⁷ In addition to the increased local air pollution, weight also increases the wider environmental footprint of a vehicle. Heavier vehicles are more energy intensive and emit roughly 20% more CO₂ than the average medium-sized car. In addition, they require more energy and materials to run, increasing global demand for oil, electricity, basic metals and critical minerals. For example, over the course of 2022 and 2023, global oil consumption directly related to SUVs rose by a total of over 600,000 barrels per day, accounting for more than a quarter of the overall annual growth in oil demand. See IEA report referenced above.

²⁸ Transport and Environment, 'Cars are getting too big for British roads, new research shows', January 2024, <https://www.transportenvironment.org/te-united-kingdom/articles/cars-are-getting-too-big-for-british-roads-new-research-shows>, accessed on 02.09.25.

²⁹ This is thanks to the Fourth Power Rule, a well established principle developed by the American Association of State Highway Officials. See, for example, <https://roaddamagecalculator.com/how-it-works>, accessed on 02.09.25

too, impacts the amenities of the locality, and indeed is specifically mentioned in s1(b) of the 1984 Act. This is therefore another relevant factor for councils to consider.

As a result, there are several features of SUVs and their impacts on urban roads which councils could lawfully factor into any decision to set dedicated parking charges. While each decision should be taken carefully on the basis of local circumstances, local authorities can be satisfied that there is in principle a solid legal foundation for introducing such charges in the UK.³⁰

Conclusion

The size and weight of cars driving on UK roads is growing rapidly. As the prevalence of SUVs grows, so too does evidence of their danger for other road users, and of their negative impact on both the local environment and the health of people living and working in the area.

Policymakers across Europe are beginning to take steps to protect the health and safety of their citizens and address this ‘carspreading’. Evidence suggests that UK car owners would be favourable to such policies being brought in, with 59% reporting that they believe that SUVs are not necessary in towns and cities.³¹

This note has outlined the duties and discretion available to local authorities looking to reform parking policies. We hope that it will assist councils in planning whether and how to go about implementing these structures.

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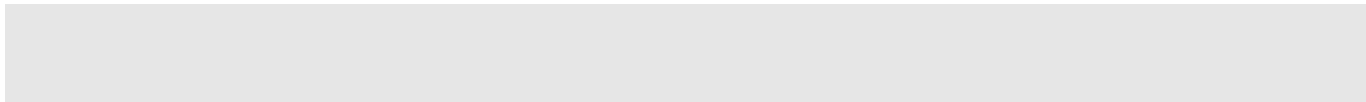
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³⁰ As noted above, while this briefing has focused on the legal regime in England and Wales, the same overarching framework and principles apply in Scotland; while in Northern Ireland, the Department for Infrastructure has the power to regulate on-street parking charges rather than local councils.

³¹ YouGov 22-23 January 2025 (UK sample size 2,133 adults weighted of which 1,404 were passenger car owners), cited in CleanCities report.

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