

SPSO decision report

Case: 201103935, The Highland Council
Sector: local government
Subject: road authority as developer, road alterations
Outcome: some upheld, action taken by body to remedy, no recommendations

Summary

Mr C complained about the council's handling of planning proposals for a new academic campus some distance from his home. A council committee granted planning approval in principle in May 2010 although the consent was not issued until March 2011. An initial application for consent for 'matters specified in conditions' was submitted in June 2011 and that formed the main basis of Mr C's four complaints. (Such applications relate to conditions attached to planning permissions in principle which require the further approval, consent or agreement of the planning authority for any detailed aspect of the development.)

Mr C complained that the council provided inaccurate and misleading information about access arrangements to the campus; a council officer failed to remain impartial when providing advice to a councillor and acted unreasonably by failing to respond to Mr C's letter, and the chief executive failed to respond to Mr C's letter of complaint within a reasonable time scale.

Our investigation found that the council conceded that the report on the first 'matters specified in conditions' application could have been clearer. It was not, however, acted on. The matter was put to the relevant council committee and continued, when it was re-presented in an amended form and considered along with a second 'matters specified in conditions' application. Both applications were approved. As we found no evidence of maladministration we did not uphold this complaint. Nor did we uphold the complaints about the council officer. We found no evidence to suggest that she was not impartial in giving professional advice to the councillor, and while Mr C provided evidence that he had emailed a letter to her, we could not independently confirm that she had received it. We did, however, uphold the complaint about the chief executive's response, as he accepted that it had been delayed. We did not make any recommendations as he had already apologised to Mr C for this.