

SPSO decision report

Case: 201104795, East Renfrewshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, recommendations

Summary

Mr and Mrs C complained about the council's handling of an application for two wind turbines which were proposed to be built some distance from their rural farmhouse. The application was submitted in 2011 following two previous applications, one of which had been withdrawn and one of which had been refused. Mr and Mrs C were particularly concerned about the adequacy of acoustic reports submitted by the applicant's agents and had sent the council several letters about this, making representations about their concerns. They complained to us that the council did not reasonably respond to their enquiries about noise and other issues. They were also unhappy with a report about the application submitted to the council's committee, because they felt that the methods the council had used to assess the impact of noise from the proposed development on their property had not been reasonable.

Our investigation did not uphold either complaint. However, we noted that when Mr and Mrs C complained of not getting a response to points raised in their representations, a senior planning officer told them that it was not possible for the council to correspond because of the volume of objections received from third parties and because responding to third parties might be construed as prejudicial to the council's later consideration of an application. Mr and Mrs C had not been told this when their representations were acknowledged, so we made a recommendation to the council about this. In respect of the second complaint, we found that the council's report was full and balanced and the consideration of whether Mr and Mrs C's property would be affected by noise was in line with central government advice.

Recommendations

We recommended that the council:

- review whether the content of their standard letter of acknowledgement of receipt of representations should include an explanation as to why officers are unable to enter into discussions with third parties on the details of those representations.