

SPSO decision report

Case: 201200093, South Lanarkshire Council
Sector: local government
Subject: complaints handling
Outcome: not upheld, recommendations

Summary

Mr C lives near an open cast coal site which has been subject to several applications for planning consent, covering specific areas of the site. Mr C complained that the council had inappropriately permitted overnight working by the operator on part of the site that was only authorised for 12 hours' day-time working, and failed to adequately investigate his complaint about work starting early. Mr C also complained that when the latest application for planning consent was made, the council unreasonably refused to allow members of the local community to address the planning committee.

Our investigation did not uphold any of Mr C's complaints. Our investigation found that it had not been established that the operator was working overnight in an area of the site that only had planning consent for day-time working. The council had found that early morning site noise was explained by the operator as being linked to having drivers and other staff in place to start work at 07:00, and the council did not regard that to be a breach of the relevant planning condition. In refusing the request of residents' representatives to be heard before the committee considered the most recent application, officers had complied with the council's published guidance (which allows third parties to address the committee only where there is a substantial body of objection to the matter under discussion). Our investigation did not uphold Mr C's contention that this was discriminatory to objectors in rural areas. We did, however, make a recommendation in relation to Mr C's concerns.

Recommendations

We recommended that the council:

- liaise with Mr C to ascertain the pattern of working leading to his main complaints of noise, and agree three times when they should pay unannounced visits to ascertain the validity of his claims that there is unauthorised working between 19: 00 and 07: 00.