

## SPSO decision report

**Case:** 201200968, Renfrewshire Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained on behalf of himself and his neighbours about the council's handling of a planning application for the erection of a telecommunications mast near his home. Mr C said that he and his neighbours only became aware of this some seven months after it was approved, when work started at the site. He complained that the council failed to carry out the necessary public notifications on the planning application, failed to process the application correctly, and that their report on the planning application was misleading.

In response to our enquiries, the council said that they sent a neighbour notification letter to Mr C in the same way as to other notifiable residents. Although the letter did not appear to have reached Mr C, the evidence suggested that the council did send it, in accordance with normal procedure.

We took independent advice on the other matters from one of our planning advisers who said that the council acted appropriately and advertised the application in accordance with the regulations. The council had, however, acknowledged there were failings in notifying objectors of the outcome of the application and apologised for this. Our adviser said that their remedial action was not sufficient and that further steps should be taken, so we made recommendations that reflect this. We also noted that in the planning report the council incorrectly named the newspaper in which the application was advertised, but considered it unlikely that consideration of the application was prejudiced by this.

In terms of processing the application, our adviser explained that it would be normal practice for there to be some consultation between the council's planning and roads departments. It was clear that there was no record of consultation in this case although the council repeatedly said that it had happened. Based on the evidence on file, it was not possible for us to determine whether or not it did happen, and we were critical of the council for failing to keep a record of the consultation. However, the adviser said that as road safety was not an issue in planning terms, the outcome of the consideration of the application would not have been adversely affected if there had been no consultation. Our adviser also explained that the council were required to consider the application against their development plan; a plan which he said was well in line with good practice on such policies. There was no requirement for the council to have a spatial strategy for telecommunications equipment or to suggest alternative sites for masts. On land ownership, our adviser said it would be reasonable for the council's planning department to take the information in the signed ownership certificate from the applicant at face value and that there was no requirement for anyone to obtain the owner's agreement to the submission of an application.

On the accuracy of the report, our adviser said that the 30 metre distance referred to in the site section of the planning report would not have misled the planning committee. He explained that the determining issues in this case were consistent with policy and that the omission of consideration of the tree preservation order and information on the deciduous nature of the trees was not prejudicial.

### Recommendations

We recommended that the council:

- make staff aware that the planning report incorrectly stated the newspaper in which the application was advertised and take steps to try to ensure that such errors do not happen in future;
- feed back to the staff involved our adviser's views on the importance of objector notification and the potential environmental justice implications;
- amend their procedure to reflect our adviser's views on objector notification; and
- adopt a more rigorous mode of recording significant information, such as the outcome of informal consultation with Roads, for the purposes of subsequent audit.