

SPSO decision report

Case: 201202179, 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 made three complaints about the council's recording of operational complaints made by residents and the council's investigation of issues of dust and noise emissions from the site. He also complained about the council's failure to review relevant planning conditions to ensure effective monitoring.

Our investigation did not uphold any of Mr C's complaints. We found that the council provided a reasonable explanation of how reports of noise nuisance and dust emissions and complaints were recorded by the relevant planning and environmental services. We found that the council responded appropriately to a specific complaint of dust emissions in March 2012 and with regard to a query made by Mr C in submitting photographic evidence. We also found that, when noise complaints had been made, these had been brought to the operator's attention. A sizeable number of mitigation measures (actions to reduce the noise or the impact of the noise) had been installed. Despite these, Mr C and other residents had continued to make complaints of inappropriately loud noise levels, which the council had investigated. In the autumn of 2012 the council sited noise equipment in Mr C's neighbour's property and the initial results suggested to the council that further controlled monitoring was required. At the end of our investigation the results of this monitoring were still awaited, and so we made a recommendation relating to this.

Recommendations

We recommended that the council:

- complete their current noise monitoring exercise, analyse the results, and inform Mr C of any action they intend to undertake.