

SPSO decision report

Case: 201203470, Aberdeenshire Council
Sector: local government
Subject: conservation areas, listed buildings, tree preservation orders
Outcome: upheld, recommendations

Summary

Mr C was unhappy that the council breached a Tree Preservation Order (TPO). He told us that, because a council officer made wrong assumptions about which tree was to be felled, the council had granted permission for the felling of a healthy tree that was the subject of a TPO. Before Mr C brought his complaint to us, the council had acknowledged their error and apologised to him for it. However, Mr C said that the council had given him unsatisfactory and confusing responses to his complaint.

We took independent advice from one of our planning advisers. He said that the council had focused on inadequate explanations for the errors, instead of reviewing their procedures as they should have done. As the council appeared to have given more weight to defending their actions than to reviewing procedures, inconsistencies had then emerged in their responses to Mr C. The council had acknowledged that the wrong tree had been felled, and that the tree had not been properly identified before permission was given, which was a relatively serious mistake. The adviser had concerns that the complaint was not investigated thoroughly enough, especially as the deficiencies related to planning procedures. We upheld Mr C's complaint, as we found that the council's investigation and complaints handling was inadequate and inconsistent.

Recommendations

We recommended that the council:

- consider the comments on the content of procedural guidance on tree works consent applications (in addition to matters already identified by the council) and advise the Ombudsman of their intentions with regard to carrying out a review of procedures and making the relevant staff aware of them;
- ensure that appropriate action is taken to avoid such an incident recurring and advise the Ombudsman of the action taken; and
- issue Mr C with a full and sincere apology for the failings identified in this complaint.