

SPSO decision report

Case: 201203866, Aberdeenshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, recommendations

Summary

Mr C complained that the council had not appropriately handled a planning application for an extension to an existing quarry. In particular, he complained that the public and neighbours to the site had not been suitably consulted and notified of the application, that the consent was at odds with an existing planning consent for the site, that the applicant had not provided all the information required and that he was not able to make representations in person to the planning committee.

Our investigation found that the quarry has existing planning consent for mineral extraction and subsequent land fill. The application to which these complaints related was for an extension to the mineral extraction to one side of the area that already had consent for such extraction. We also took independent advice from one of our planning advisers, who said that the application had been appropriately notified through the local press, and that neither an environmental impact assessment nor pre-application consultation was necessary. The adviser also noted that there were shortfalls in the site plan provided, but that this was probably because the council already had plans from a previous application. He said that the council had were not required to make all documents on an application publicly available, and the application had been dealt with appropriately in relation to the plans and information that were considered. We did not, therefore, uphold this complaint, but we made a recommendation to the council to ensure they have all the plans required for future planning applications.

The planning application was determined under delegated powers, and this meant that the council's planning committee were not required to consider the application. The process was conducted according to council policy, and we did not uphold Mr C's complaint that he should have been able to make representation to the committee.

Recommendations

We recommended that the council:

- ensure that plans submitted with a planning application are sufficient to satisfy the terms of Part 3 Regulation 9 section 3 (a) and 3 (b) of the Town and Country Planning (Development and Management Procedure) (Scotland) Regulations 2008.