

SPSO decision report

Case: 201204961, The Moray Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C complained about the council's handling of a planning application for a large scale dairy milking facility near his home. He said that the council had dealt with the application in a similar to way to that of a domestic planning application, which he did not consider appropriate given the scale of the facility. He was also of the view that the council had failed to properly assess the impact, in terms of noise, visibility and odour, that the development would have on his property. He also complained that the council did not notify him about the planning application.

Our investigation found that, as his property did not directly border the development, the council were not required to notify him of the application. We also found that they advertised it in the local paper, fulfilling their responsibilities in terms of the planning regulations. The planning department had also consulted the Scottish Environment Protection Agency and their own environmental health department before granting consent. We noted that the developer had sought permission for a number of planning applications, each of which was of a scale which would be considered a local development in planning terms. As we found no evidence to suggest that the council had acted outwith their own procedures or legal responsibilities, we did not uphold Mr C's complaints.