

SPSO decision report

Case: 201301815, Falkirk Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained that the council failed to consult with the local community when they imposed a planning obligation on a developer. He said that the community should be consulted and have a say on where the resources agreed as part of this planning obligation should be allocated.

The council had explained to Mr C that planning obligations are imposed on developers to mitigate against the direct impact a development may have on an area. This could include the impact on infrastructure, local facilities or the environment, and in this case the planning obligation was to mitigate against environmental impact. They also explained that planning law and the relevant Scottish Government planning circular did not require consultation with the community when setting planning obligations.

We considered the information submitted in support of the complaint and the council's response, and reviewed the relevant legislation and planning circulars. Having done so, we did not uphold Mr C's complaint, as our investigation found that what the council had said was correct, and that there was no duty on them to consult the community in this respect.