

SPSO decision report

Case: 201305453, South Ayrshire Council
Sector: local government
Subject: building standards
Outcome: not upheld, no recommendations

Summary

Mr C complained to us on behalf of Miss A and Mr A, about the handling of a planning application and building certificates for a development close to their home. They said that the new house had tapped into their shared water supply pipe, and was causing a significant loss of water pressure and flow. They complained that the council should not have allowed this to happen, saying that it should have been evident through the planning and building standards procedures that water supply would be a significant issue.

We took independent advice from one of our advisers on the requirements of planning and building standards in relation to water supply. Our adviser said that the planning process includes a consultation with Scottish Water, which had been undertaken. However, he said that the provision of water to a site was not a material issue in a planning decision, and that the consultation was a way to advise the developer of issues that might arise during the development process. He also said that building standards work to a set of regulations. These do not make any specific requirements about water provision for a development, other than in relation to access to water for fire-fighting, and requirements about lead piping. The developer is expected to consult with Scottish Water before applying for a building warrant, but again, this is on an advisory basis.

We did not uphold the complaints, as we found that the council had taken appropriate account of water supply to the new development in their decisions within the planning and building standards procedures. We noted that accessing water from the shared supply pipe may be a civil, legal matter, and was not something over which the council had any control.