

SPSO decision report

Case: 201306074, Aberdeenshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained that the council had failed to follow proper planning procedures in allowing a developer to alter their masterplan (a plan that describes and maps an overall development concept, including present and future land use) after public consultation had been carried out. Mr C said that this had resulted in his land being included in the masterplan without his involvement. Mr C said that the council had approved the altered masterplan, which had placed him at risk of significant financial loss. He noted that a subsequent planning application he had made had been rejected, on the grounds that his land was not approved for residential development under the masterplan.

The council said that their role was not to inform landowners of the provisions of the masterplan and that the onus was on the developer to show they had engaged with stakeholders. In this instance, the developer had provided evidence that they had contacted Mr C, but he had not responded. The council believed it was appropriate for them to have considered and approved the amended masterplan at the relevant committee meeting, which took place after the public consultation stage.

We took independent advice from one of our planning advisers who said that the masterplan process placed no obligations on the council to notify stakeholders who might be affected. He also said that the expectation under the masterplan process was that landowners who believed their interests might be affected would engage with the developer. He noted that the masterplan did not give the developer planning permission to carry out work, which required a separate, formal planning application. He said in his view the council had acted reasonably. In light of this, we found no evidence that the council acted unreasonably in their handling of the masterplan process.