

SPSO decision report

Case: 201404543, Aberdeenshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Ms C complained to us about the way the council had dealt with a planning application to develop a site close to her home. Over the years, a number of applications had been made for the site or nearby. Ms C was unhappy that differing noise measurements taken at her home had been accepted by the council. She also said that developers had identified two different sources for her water supply but that the council still went on to determine the planning application. Ms C also complained that the minute of the local area planning committee meeting failed to fully record her feelings about the matter.

We investigated the complaint and took independent advice from one of our planning advisers. We found that although contradictory information had been presented to the council by the developers, this was not a matter within council control. The accuracy of the information was the responsibility of the developer. We found that such information only formed part of the evidence of the likely significance of any environmental effects of a proposed development. The council would consider this alongside other, material considerations when making planning decisions. Moreover, it was not uncommon for a planning authority to 'accept' conflicting evidence knowing it was not a determining factor and that any potential effects could be mitigated by planning conditions.

With regard to Ms C's concerns about the committee meeting minute, it was confirmed that this was not meant to be a verbatim record, but was a way to record the process of the meeting and to inform committee members about the decision they were about to take. The minute was not taken to provide documentary evidence for any other purpose.