

## SPSO decision report

**Case:** 201508613, Fife Council  
**Sector:** local government  
**Subject:** policy/administration  
**Outcome:** not upheld, no recommendations

### Summary

Mr C said that there was a long-standing history of complaints of low-level noise from an industrial estate close to his home but that the council failed to properly investigate these. He also said that when owners of the site applied for planning permission in 2014, a report presented to the planning committee failed to accurately report the noise issues.

We investigated the complaint and also took independent planning advice. We found that from December 2011, the council had issued noise abatement notices in respect of the site but that the owners had failed to comply. After Mr C complained in 2012, the council visited the premises concerned and witnessed a number of noise issues about which they issued a further abatement notice. The owners were sent written warnings and advised of the penalties of non-compliance. No further complaints were received in 2012. Thereafter, the owners applied for planning permission and there was no doubt that the relevant committee report contained erroneous information. However, this was corrected orally at the planning committee meeting to discuss the application. Notwithstanding the error, we further found that noise was not a material consideration when determining the application. We did not uphold the complaint.